

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 3, 2006**

The Vanderburgh County Board of Commissioners met in session this 3rd day of January, 2006 at 3:32 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 Board of Commissioners of Vanderburgh County meeting of January 3, 2006. I will start with 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

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 the December 20, 2005 Commission Meeting Minutes &
Approval of the December 27, 2005 Jail Dedication Summary Minutes**

President Musgrave: We move to the approval of the prior minutes. We have two sets of minutes, one on December 20th, the regular Commission meeting minutes, and then the jail dedication summary minutes on December 27th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Election of Board Officers for 2006

President Musgrave: The first action item under County Commissioners is the election of board officers for 2006. Is there a motion?

Commissioner Nix: I would like to entertain, or I would like to make a motion that we approve Cheryl Musgrave as President of the Commission for this year.

Commissioner Shetler: Second.

President Musgrave: I've got a motion and a second. Any discussion? All those in favor?

Commissioners: Aye.

President Musgrave: Is there a motion for Vice President?

Commissioner Shetler: I would like to move that Mr. Nix be Vice President for next year.

President Musgrave: I'll second. Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p>First and Final Reading of Ordinance CO.01-06-001: An Ordinance Concerning Meetings</p>

President Musgrave: We then move to the ordinance CO.01-06-001 concerning meetings. We have distributed the meeting times for next year. Our meetings will remain at 3:30 on Tuesday afternoons, not meeting on the fifth Tuesday of any month, and then several selected other dates. This will be the first and final reading. Is there any discussion of this? A motion?

Commissioner Nix: Do we need to waive the first reading?

Ted C. Ziemer, Jr.: Yes.

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

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Ted C. Ziemer, Jr.: Pardon me. We waive the second reading.

President Musgrave: Waive the second reading.

Commissioner Nix: Excuse me, the second reading, I'm sorry.

President Musgrave: And does your second?

Commissioner Shetler: Yes.

President Musgrave: Okay. All those in favor? And that's a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. And now we make a motion to approve the ordinance.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: Roll call. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. So, our meetings will go forward for the advertising process? Is that correct, B.J.? Or have they already been advertised?

B.J. Farrell: I will defer to Madelyn on that.

Madelyn Grayson: It's an ordinance, so it will just be—

Ted C. Ziemer, Jr.: It's not necessary to advertise.

President Musgrave: Great.

2006 Road Hearing Dates

President Musgrave: The road hearing dates is the next item on the agenda. As previously announced, I believe we've previously announced it, the third district road hearing date will be January 18th from 5:30 to 7:00 at Helfrich Park Middle School. I look forward to the dates for the district one, district two.

Commissioner Nix: I should have a date next week for that.

President Musgrave: Okay, and we would like to conclude them within a couple, three weeks after January 18th so that the Highway Department can move on with their planning phases for the next year's paving, or this year's paving now that it's 2006. It's hard to believe.

Scheduling of Executive Session: January 10, 2006 @ 2:00 p.m.

President Musgrave: We need to hold an executive session on Tuesday, January 10th at 2:00 p.m. Do I announce that, Mr. Ziemer? Or do we need a motion to do that?

Ted C. Ziemer, Jr.: You should have a motion.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Nix: We did mention the time on that? 2:00 p.m.

President Musgrave: 2:00 p.m., and this will be to discuss pending litigation.

Engagement Letter: Barnes & Thornburg: Lobbyist (Deferred)

President Musgrave: Although it's on the agenda for today, the engagement letter for Barnes and Thornburg is not available and it will be on next week's agenda.

**Debra Bennett: WTH Technologies:
Knight Township Fire Department CDBG**

President Musgrave: We now come to Debra Bennett, the urgent need grant. As Ms. Bennett is coming forward, Commissioners, you'll recall that Ms. Bennett is working on the need for a new fire station in Knight Township because of the destruction of the current south station by the tornado of November 6th. Ms. Bennett?

Debra Bennett: Good evening. Thanks for allowing myself and Chief Wathen to be here again this evening to bring you up to date on where we stand on the grant application. I believe you have an agenda to follow in front of you that I forwarded to you. First of all, to tell you briefly, we had our site visit with the Office of Rural Affairs approximately two weeks ago. Ms. Musgrave was with us that day. They did encourage an application to receive \$500,000 for 100 percent financing for a new fire station. Since that time the department's been busy working on their RFP's for their grant administrator and for their architect, since both will be paid out of grant funding. Those were completed last Friday. They were due last Friday, and they have chose, is it Mike Ewald?

Chris Wathen: Michael Ewald.

Debra Bennett: Michael Ewald as the architect to do the design of the building, and they have chosen our firm to be grant administrator for the grant project. The next thing to talk about is we have scheduled two public hearings, which are required by the federal government prior to the grant application that we will submit on or about January 31st. The first public hearing will be held on the tenth at the company station number six on Burkhardt Road. It will be held at 7:00. It is open to the public. It will

be allowed to talk about the project and the budget, and to allow for citizen comments. An additional public hearing will be held on January the 17th, again at 7:00 at company number six on Burkhardt Road. I also included for you this evening a copy of the proposed time table and the proposed budget for the grant application. To briefly go through it, the time table states that you have made your letter of intent to the Office of Rural Affairs, and you have conducted your official site visit, and they have asked for you to bring in the application. The solicitation of the RFP for the architects and the grant administrators is complete. We have set the two public hearings and began the environmental review process. We anticipate the application being submitted by the county on behalf of the department on or about January the 31st. They said they would score it immediately and let us know in February one way or the other whether it's funded. At that point, we anticipate the environmental review being complete by March the 1st, and having the final design sometime in March, and advertised for bids late April, getting released the funds in May and starting construction in May, completing it by December of next year. Or this year now, December of 2006. Are there any questions about the time table? Please feel free to interrupt as I go. I have a tendency to go quickly. The other is the project budget. Again, these are not to exceed numbers. We are asking for a half a million dollars. That's, we will get what you ask for. From that we've sort of worked backwards. We are setting aside \$35,000 for grant administration, \$1,000 to conduct the environmental review, \$5,000 for labor standards, and labor standards involves making sure that people on the job site are paid according to their job classification. It's a HUD requirement because we are using federal funding. I put in a figure of \$59,000 for professional fees. That includes your architect, any soil borings or site surveying or any attorney fees that are incurred by either the Commission or the department, because of the grant application. That leaves approximately \$400,000 for the site work and to actually build the building. One thing I did not include in your packet that I brought, if you would like to have, I'll give it to Chris, is a map that shows where the new site is located, and also, I apologize, the picture's not very good, but it's a picture of where the new site location is. It is on Pollack Avenue. There's I think five there, one of each. So, that you have an idea of where the new building is going to go. It is on ground that is owned by the fire department at this time. Last, to talk about, at the beginning of the agenda is the local match. We met and we are showing a need that, at this time, we do not have money for a local match. So, there will not be a requirement for local match in this grant application. That is eligible. Okay, does anyone have any questions about everything we just...I know we went through it quickly, that we just discussed? As you can see from the picture, there was previously a building there. There are two aprons leading in to the site. I believe it was a concrete mixing facility that helped when the Lloyd...the bypass or the Lloyd?

Chris Wathen: 164.

Debra Bennett: 164 was being constructed. If not, then we'll run through the other documents that you have before you. I'll ask you, do you want me to explain those? Or have they been reviewed enough to go ahead and take action on? Or what would you like?

President Musgrave: I think the attorney has reviewed them enough and has communicated that by e-mail—

Debra Bennett: Okay.

President Musgrave: —so you can just list them, if you would like.

Debra Bennett: Okay. The first that you need to, and I have the originals here, which I will give to you. The first document is a letter allowing for WTH to take the minutes of the meeting, the public hearings, and to post the necessary legal notices. The second is a cooperation agreement showing your support and cooperation between the county and the fire department, and also showing the liability of the grant passing through to the department. The third is a resolution by the Commission submitting the grant application. Those are the first three that require action.

President Musgrave: Is there a motion to—

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debra Bennett: Okay, the second ones that need to be voted on to include in the application is a displacement plan and a displacement assessment. There will not be any, there will be no displacement in this project, but we still have to have a plan in place in case there is. Also, the budget that I've presented to you, the time table that I just presented to you and the forms of the public notice, which were posted, or advertised in the local paper.

President Musgrave: Is that all?

Debra Bennett: At this point.

Ted C. Ziemer, Jr.: That would be a motion to include those items in the application.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Debra Bennett: Then the last document is, no it's not the last, there's three, I'm sorry. Assurances and certifications that a boilerplate information provided in the grant document. There's also a CDBG disclosure report, which at this time will be disclosing nothing, because that will be updated as we hire contractors for the project. The Civil Rights certification. The citizens participation report showing when you advertised, the dates and times of the public hearing, and last is a readiness to proceed certification stating that you are ready to proceed with the project.

President Musgrave: Okay, and for these we need a vote to allow the President of the Commissioners to sign these documents?

Debra Bennett: Yes.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debra Bennett: That's all I have to cover, unless you have any questions. We again are very grateful to the Commissioners for all the short notice that we're giving you due to the urgent need application. But, it's a wonderful thing for the county.

President Musgrave: I appreciate all the work that you've done over the holidays to get ready for this meeting.

Commissioner Nix: One question I had.

Debra Bennett: Yes.

Commissioner Nix: On the building, how many square feet?

Chris Wathen: It's somewhere around 70 by 80 in round numbers.

President Musgrave: Will it be handicapped accessible?

Chris Wathen: Yes.

President Musgrave: And suitable for a polling place?

Chris Wathen: I think it will be.

President Musgrave: That would be delightful if we could make it happen that way. There's no place to vote out there.

Chris Wathen: Right.

Commissioner Nix: Thank you.

<p>Permission to Open Quotes: VC05-12-03: Newman Road Culvert #1029 Removal and Replacement</p>

President Musgrave: We move now to the County Engineer, permission to open quotes. We have VC05-12-03.

Commissioner Nix: Move approval to open VC05-12-03.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. It looks like we have four quotes to open there. While they are opening the quotes we can move to the Health Department.

<p>First Reading of Ordinances: CO.01-06-002: Concerning Board of Health Food Permits & CO.01-06-003: Concerning the Board of Health</p>

President Musgrave: There are two ordinances on the agenda tonight for first reading. Is there a motion for both first readings?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Does that need to be a roll call vote? Yes, it does.
Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. So, we will have second reading next week on the 10th.

<p>Evansville Police Department: Waiver of Fee Request at the Centre</p>

President Musgrave: Next on the agenda is the waiver of fees for the Centre. Is there a motion.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: I wanted to make sure that your motion does not waive any overtime fees.

Commissioner Nix: That is correct.

President Musgrave: And your second does not as well? Okay. All those in favor?

All Commissioners: Aye.

<p>County Engineer</p>

President Musgrave: Department head reports. Attorney Ziemer, I see that you are busy opening those right now, so, I'll come back to you.

Ted C. Ziemer, Jr.: Thank you.

President Musgrave: Mr. Stoll, County Engineer?

John Stoll: The first item that I have is a street plan revision approval request for Hirschland Boulevard, which is a frontage road that will parallel Burkhardt Road north of Columbia Street. I've submitted a revised plan that was prepared by Morley and Associates. There will be a raised median installed out there just north of Columbia Street in order to restrict left turns in and out of a driveway that's being proposed out in that location. The median will be approximately, I believe it's 88 feet in length, and once we get past that driveway the median will be dropped and it will just be a two way left turn lane from that point northward. I've taken a look at the plans and I would request approval of the modified plan.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next I have a storm sewer acceptance request for sections six and seven of Stonecrest Subdivision. This is for 916 linear feet of storm sewer pipe that is located outside of street rights-of-way. The developer has paid the \$1,832 fee for those off right-of-way pipes. So, I would request acceptance of the pipes.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a street acceptance request for section one of Eagle Ridge Estates Subdivision. This street acceptance is for 793 feet of Flagstick Boulevard, 240 feet of Talon Place, 784 feet of Hawk Ridge Road, and 987 feet of Scouts Way.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have two design agreements with Bernardin Lochmueller and Associates for bridge repairs. The first is for bridge deck repairs on Allens Lane, and the agreement amount is \$19,900. I had the County Attorney review the agreement, and he saw that the insurance provisions were acceptable. So, I would request approval of the agreement.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other agreement was for bridge deck repairs on Kuebler Road, and that agreement amount was \$19,700.

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. Thanks.

President Musgrave: Thank you.

Superintendent of County Buildings

President Musgrave: I see that Mr. Ziemer is still occupied. Are there any other department heads with reports? I see none. So, we'll move down to board appointments.

B.J. Farrell: Excuse me?

President Musgrave: Oh, I'm sorry.

B.J. Farrell: I didn't get my mic. on fast enough. The Health Department did come in today with a late travel request. I ask that you amend the consent agenda.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: We have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Did I skip anyone else? Okay.

Board Appointments

President Musgrave: We have several board appointments. For the Property Tax Assessment Board of Appeals; Khristian Seger and Paul Farmer. 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.

President Musgrave: For Emergency Management, currently serving are Brad Ellsworth, John Buckman and Keith Kahre, and those appointments would expire on December 31, 2006.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I would like to make sure that the record reflects that the Property Tax Assessment Board of Appeals, those are also just one year appointments. They've typically been one year. Does the Auditor feel that we need to make a motion to include that expiration date?

Bill Fluty: That's fine.

President Musgrave: Okay. Convention and Visitors Bureau, is there a motion?

Commissioner Nix: I approve Joe Vezosso. His term would expire 12/31/06.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The Redevelopment Commission. Mr. Shetler is currently the appointee and cannot hold both those Commission appointments. Is there a motion to reappoint the current members and name a new one?

Commissioner Nix: Motion to approve Tim Deisher, Ross Rudolph, Jake Fulcher and Dave Abbott, and Jeff Korb, that's the new appointment.

Commissioner Shetler: I'll second.

President Musgrave: Those will also expire on December 31st of '06?

Commissioner Nix: Yes.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The final four?

Commissioner Nix: Motion to rescind Commissioner Musgrave and appoint Commissioner Shetler to Vision-e.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That carries.

Commissioner Nix: I've got a few more here. I would like to make a motion that we approve Commissioner Musgrave to Area Plan, Central Dispatch, EUTS and SWIRDC. (Inaudible. Microphone cutting out.)

Commissioner Shetler: Second.

President Musgrave: A motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

Commissioner Nix: Also, DRCC, Domestic and Sexual Violence, Vision-e and Coalition to End Homelessness to Commissioner Shetler.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: If you could do these.

Commissioner Shetler: To move to appoint Commissioner Bill Nix to Community Corrections, EARC, Old Courthouse Foundation.

President Musgrave: I will second. All those in favor.

All Commissioners: Aye.

President Musgrave: That motion carries. So, it looks like everybody is going to be fairly busy throughout the year.

New Business

President Musgrave: We have other new business. I see that listed under here is the urgent need grant public hearing of January 10, 2006 at 7:00 p.m. at the Knight Township fire station. So, this is a further announcement that that urgent need grant public hearing will take place. So, we hope to see the public there to express their support for the new fire station. I hope the Commissioners can go as well. I intend to try to be there myself. Is there any other new business? Commissioner Shetler?

Commissioner Shetler: Yes, back on I think it was December 20th there was a public hearing on Millersburg and Green River Road intersection. At that time many of the residents were talking about the speed limit out there being 50 mph. I think that's excessive, and they felt as well. I would like to see us move the speed limit down to 45 mph starting at probably Boonville-New Harmony Road, and go south on Green River at a point to where I think it does end up being 45 mph. We're dealing with a dark street that has no curbs, that has drainage ditches on both sides, has many driveways backing in and out of Green River Road. I think it's a pretty dangerous situation at 50 mph. In addition to that, Millersburg Road is currently at 45, that's a very narrow, much narrower street than what even Green River Road is, again, with drainage ditches on both sides. I feel like that would be safer at maybe 40 mph or five miles less than what it currently is. While we're at it, since it's in the neighborhood, Oak Hill Road being curvy, dark, narrow, and also the drainage ditches on both sides, I would like to see us reduce that speed limit from 45 down to 40. So, that's a recommendation that I would like to make for us to tackle with the engineer.

Commissioner Nix: Do we need a motion? Is that a motion?

Commissioner Shetler: That is a motion.

Commissioner Nix: So moved. Second, excuse me, second.

President Musgrave: Okay, and this motion is to direct the County Attorney to draft an ordinance changing the speed limits on those roads?

Commissioner Shetler: That's correct.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. I know that Mr. Ziemer is trying to do more than one thing at a time. So, you may want to touch base with him afterward. Is there any other new business? None?

County Attorney

President Musgrave: Are you ready?

Ted C. Ziemer, Jr.: Ready.

President Musgrave: Okay, do you want to go and do the bid openings?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: These are bids for the Newman Road Culvert #1209. The first bid is from CCC of Evansville, \$38,797.37, plus an optional bid of \$15,377.14, for a total bid of \$54,174.51. A bid by Koberstein for \$39,042.50, plus an optional bid of \$21,730, for a total bid of \$60,772.50. Bid by Blankenberger for \$33,131.11, plus an optional bid of \$11,057.77, for a total bid of \$44,188.88. Finally, a bid by Deig Brothers for \$40,218.50, plus an optional bid of \$18,592.60, for a total bid of \$58,811.10.

VC05-12-03: Newman Road Culvert #1029 Removal and Replacement

Company Name	Bid Amount	Optional Bid	Total Bid
CCC of Evansville	\$38,797.37	\$15,377.14	\$54,174.51
Koberstein Trucking	\$39,042.50	\$21,730.00	\$60,772.50
Blankenberger Brothers	\$33,131.11	\$11,057.77	\$44,188.88
Deig Brothers	\$40,218.50	\$18,592.60	\$58,811.10

Commissioner Nix: I move we take these bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. And we move to your report, Mr. Ziemer.

Ted C. Ziemer, Jr.: I just have one item. As the Commissioners are aware, following an objection to the order of the, an objection being filed to the order of the Indiana Election Division confirming the precinct changes ordered by the Vanderburgh County Commissioners on August 23, 2005, there was a meeting of the individual filing the objection, that's Dennis Avery, plus Larry Aiken as Chairman of the Vanderburgh County Democrat Central Committee, plus Tom Shetler, a member of the Vanderburgh County Commissioners, and B.J. Farrell as a member of the committee, and Gregg Utley as a member of the committee. A compromise was reached whereby the agreement was to eliminate three of the precinct changes, leaving the other fourteen precinct changes. Pursuant to that compromise, a stipulation of compromise has been executed by Larry Aiken, again as Chairman of the Democrat Central Committee, and by Dennis Avery as the filer of the objection. It's in form to be executed, if approved by you, by the Commissioners. I have four copies of that which I would like back after they're signed. In addition, in order to make the changes final, so far as the Indiana Election Division and the Indiana Election Commission are concerned, we're asked to have the Commissioners adopt a new order regarding these precincts to adopt the changes in the fourteen precincts that we've agreed to, leaving out the other three precincts. You have in your file a copy of that order, should you determine to approve it. Then, finally, we're asked to submit to the Indiana Election Division a letter, which I have prepared, and sent to

Commissioner Musgrave to review. The intent of that letter is to agree that the prior order of the Commission, of the Division, the Indiana Election Division, entered on January 3, 2006 will no longer be applicable, in favor of their adoption of a new order following the order of the Commissioners today, should you make that order. The new order will then approve the fourteen changes that are recommended. There will then be a ten day period from the publication of that order, which be on Friday, the 6th of January. If no objections are filed by the 16th of January, then the fourteen precinct changes will become official. It's not contemplated that there would be any objections filed during that period.

President Musgrave: So, first you need a motion to adopt the stipulation of compromise?

Ted C. Ziemer, Jr.: Yes.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries. Second, you need?

Ted C. Ziemer, Jr.: A motion to adopt the order establishing precincts.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries. Third?

Ted C. Ziemer, Jr.: A motion to authorize Commissioner, or President Musgrave to sign the letter to the Indiana Election Division.

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.: Okay, that's it. We do have, we're going to Fed Ex the documents to the Election Division immediately after this meeting, and they asked that we fax a copy of the order establishing the precincts as soon as it can be

signed. So, if we could perhaps get that done right now, maybe you could go fax that to—

President Musgrave: Mr. Ziemer and Mr. Shetler, and I see Mr. Gregg Utley and Ms. Farrell, thank you for the efforts that you made to reach a compromise, to bring these precinct changes into being. We hope that the Indiana Election Division will accept this and move forward. I understand that this is a new process for them as well. We appreciate all the efforts that the Indiana Election Commission is making, but, we also appreciate the spirit of compromise that brought us to this moment, and we know that it will save money. We will not have to buy as many voting machines as we would have had to without it. It will save money in terms of the number of people who need to be hired to conduct the election itself, and in the rental of places to have as polling places. I know that it took place during the week between Christmas and New Years, a time when typically everyone would prefer to spend time with family and not at the negotiating table. So, I do very much appreciate the hard work that went in to this. Thank you.

B.J. Farrell: Commissioner Musgrave, if I may? Including the signature of those documents, I would like to have permission to file that appropriation request for the voting machines with the County Council.

President Musgrave: That would be a number and an amount to be determined.

B.J. Farrell: I have received an e-mail from Mr. Winnecke about that account.

President Musgrave: Okay, is there—

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Motion approved.

Commissioner Shetler: Commissioner Musgrave, I might point out too, you know, in years of old, situations like this when you dealt with precincts and boundary lines and where the polling places were going to be were done in smoke filled rooms. This was done in a very clean room that I think was very professionally handled, and it was in that spirit of cooperation. I think Mr. Utley is to be commended for the work that he's put together, because these guys put tons and tons of hours and time into it, along with B.J. and the efforts that they put forward. I think they are to be commended on that. Years ago there would have been one single party that would have just put their foot down and said, no, this is the way that we're going to do things, and it wouldn't have been a pretty sight. I think the outcome was good. I think it was one that we can all live with. The voters of Vanderburgh County I think are the ones that are going to benefit from the hard work that you all did. Thank you.

President Musgrave: Thank you.

Old Business

President Musgrave: I believe we are now at old business. Is that correct? Is there any old business?

Commissioner Nix: I have none.

President Musgrave: No old business.

Public Comment

President Musgrave: Is there any public comment here tonight? Any member of the public wishing to address the Commission regarding Commission business? There is not.

Consent Items

President Musgrave: Consent items. Do we have 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: Unless there is any further business to be brought, a motion to adjourn?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We are adjourned.

(The meeting was adjourned at 4:04 p.m.)

CONSENT ITEMS:

Employment Changes:

County Clerk (1)	Circuit Court (1)	Election Office (1)
Health Department (2)		

Travel Requests:

Health Department (4)	Commissioners (3)
-----------------------	-------------------

Commissioners:

ARC Settlement Agreement: O'Day Discovery Lodge
Fence Agreement with Broadway Summit, LLC
Insurance Services Letter: RSUI Group, Inc.: Property Wholesale Broker
Automated Direct Deposit Authorization Agreement: FSSA
Department Head Meeting Notes (12/20 & 12/27/05)
Evansville ARC Monthly Report: November 2005.

Treasurer: Monthly Report: November 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Debra Bennett	Chris Wathen
John Stoll	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 10, 2006**

The Vanderburgh County Board of Commissioners met in session this 10th day of January, 2006 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 meeting of January 10, 2006 of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Moment of Silence for Fallen Iraqi War Soldiers

President Musgrave: At this time I would like to observe a moment of silence for all the soldiers who have in the Iraqi war, at this time, particularly with the emphasis on Private Pfender, who's funeral was held today at the Centre.

(A moment of silence was observed.)

President Musgrave: Thank you. With regard to Private Pfender, there has been an account set up at Old National Bank. It is called the Band of Brothers, or words to that effect. Mr. Pfender's mother is setting this up in order to help other soldiers families throughout the service of their family members. So, you can make a contribution at any Old National Bank.

Approval of the January 3, 2006 Commission Meeting Minutes

President Musgrave: Next on our agenda is the approval of the prior minutes. We had a Commission meeting on January 3rd.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Approval of the January 10, 2006 Executive Session Summary Minutes

President Musgrave: We just concluded an executive session. It was to discuss pending litigation. We will require an executive session next week as well, at the same time, 1:30 in the afternoon on Tuesday next week to discuss other pending litigation.

**Permission to Open Quotes for VC05-12-02:
County Engineer Office Expansion and Renovations**

President Musgrave: At this time we move to our action items, and we need a motion to open the bids for the County Engineer's bid. If I could have that motion.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: If the attorney will continue on opening the bids.

**County Treasurer: Z. Tuley:
Board of Finance Organizational Meeting**

President Musgrave: The County Treasurer, Z. Tuley, is next on the agenda to give her annual report.

Z. Tuley: Good afternoon. I'm Z. Tuley, the Vanderburgh County Treasurer. It's our annual event to gather sometime after the first Monday in January to discuss the Board of Finance. I have a copy of the current, well, not current, excuse me, the year-to-date for 2005 report of all investments that I will pass out. You may note on the final page, investments are up above projections that I had made. That would have been in August of 2004 that I predicted what I would earn in 2005. So, I'm very pleased with that. The duty of the meeting of the Board of Finance today is to elect a president and a secretary. Historically speaking the Treasurer of the county has been the president of the Board of Finance, and we have appointed the Auditor to perform all secretarial duties, since he is present and takes care of that anyway. So, typically speaking that's what we do.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Congratulations on your election.

Z. Tuley: Thank you.

<p style="text-align: center;">American Financial Credit Services Proposal: Collection of Delinquent Personal Property Taxes</p>

Z. Tuley: I have with me today, earlier I had sent you a contract and a proposal for a company called American Financial Credit Services to do the collections for any delinquent personal property taxes, mobile home taxes, oil and state assessed that may have fallen delinquent. Once a year has passed and they have been delinquent, they are then certified to the Clerk clearing them off of the current payroll for the new billing cycle. So, I have with me today Kris Williams. Kris, would you like to come up? He would like to talk with you a little bit about this company, and what he believes he can do for Vanderburgh County, and what he's done for other counties. I've sent you references that had glowing remarks for his company, what delinquent taxes they had collected. I'm going to let him tell you.

President Musgrave: Z., could you approach please?

Z. Tuley: Uh-huh.

Madelyn Grayson: Mr. Williams, I'll need a copy of that for the record also. If you need that for your presentation, that's fine.

Kris Williams: It's memorized. Well, my name is Kris Williams. I'm the president and CEO of American Financial Credit Services. We're located in Indianapolis, Indiana. We've been in business for 12 years. About three years ago, starting with Hamilton County, we began working with Indiana counties to collect delinquent personal property tax. There's not a whole lot of people out there like us. The reason is, it's tough to collect this. You get, there's very little information to work on. You have to have a real passion about it. So, now we're working with 16 counties. In the last three years we've collected over ten million dollars for Indiana counties. You know where that money goes? It goes to the townships, policemen, firemen, schools, EMS, emergency services, and local charities. So, I gave you information, that's kind of just information about the company, but that's not who we are. Who we are is passionate about our clients and what we can contribute. So, when we approached Z. she heard all that, and luckily she took the opportunity to call the references and find out if it was true. So, it's very simple, we're passionate about counties and what we can do. What we provide and what our promise is, we provide internet access to our counties so that they can see all the accounts. Sometimes that's the only information that a lot of counties have, because they don't have a lot of electronic capability as far as these. We don't discount, downgrade or harass your taxpayers. That's not who we are. We give them an opportunity to clean this up. Our goal is to get these folks back in a paying mode. That's what we do. So, what you'll find is, and what you would find out if you talked to our clients is, your delinquencies tend to go down over time because of what we do. So, we're a good company run by good people who care about what they do.

President Musgrave: Let's assume that I'm a delinquent personal property taxpayer, tell me what you would do?

Kris Williams: When we get your account in, it's been in our system and it's, there are two letters that go out. The first letter tells them what the statute is and where they are in the process. Then that account is given to an account representative, these are articulate, professional people, they are not collectors. They are more customer service people. We have at our disposal a way to find you, because most of the time these folks are gone. They've moved, they've sold their company. The responsibility of that person is to find out who owes the tax, where the asset is, sort through all that stuff to get down to what's going on with the account. They're called, they're told what's going on with where they are in the statute, what the possibilities are for payment, and they're given an opportunity to clean it up without any further action. If they're in denial and they don't want to pay, or they don't believe they owe, we consult with our attorney, and with your Treasurer's approval they move forward to file a writ of execution or bring them into court to discuss it in front of a judge. So, that's what can happen.

President Musgrave: How old are the accounts? If I'm six months delinquent am I going to get a call from you? Or is it a longer period of time?

Kris Williams: Well, your process is a year.

President Musgrave: At least one year—

Kris Williams: Yeah.

President Musgrave: —overdue in personal property, and what else was it?

Z. Tuley: State assessed, oil and mobile home.

President Musgrave: And state assessed is railroad, oil?

Z. Tuley: Right, typically a utility company. Oil are oil wells that are producing, but maybe they can't find the owner.

President Musgrave: And mobile home is personal property/mobile homes, that is mobile homes on leased land?

Z. Tuley: Typically, yes, because if they are on owned land they are considered real estate.

President Musgrave: Okay. So, today you want us to take this under advisement and you'll be back next week?

Z. Tuley: Yes. I would appreciate that. I have submitted the references so that you can read the same things that I got to read. I do believe that his area of expertise is going to help. My office doesn't wield the kind of leverage that he can provide. I think that this will be very beneficial to us. He's done a really nice job in other counties. I think it will prove to be the same here in Vanderburgh. So, I would like for you to review the contract and review the references, then if enough time has allowed for you to vote on it next week I would appreciate it.

Commissioner Nix: How are your fees based?

Z. Tuley: Oh, that's another good one.

Kris Williams: Our service is free to the county. The Indiana statute allows us to enter a reasonable collection fee as 25 percent. Just to give you an idea what that means, our competition is charging 40 to 45 percent.

Commissioner Shetler: So, do you mean you gross it up then?

Z. Tuley: Correct. The 25 percent is charged to the delinquent offender.

Commissioner Shetler: Okay. Do you have an estimate of how much we have outstanding in delinquent taxes?

Z. Tuley: I'm looking to my numbers man. No, we don't have a total on that.

Commissioner Nix: Just a round number?

President Musgrave: When you come back next week—

Z. Tuley: I'm not very good at guessing with numbers.

President Musgrave: —he's indicated that he'll have that available for us.

Z. Tuley: Oh, that's no problem at all. We'll get that to you right away.

Commissioner Shetler: Okay. It sounds to me like ten million dollars would buy a lot of passion though. So, I can understand your—

Kris Williams: I think that's a result of the passion.

Z. Tuley: Okay, thank you.

Kris Williams: Thank you.

President Musgrave: Do I have a motion to take this under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Doug Petit: Vectren Presentation

President Musgrave: We move now to Vectren, Mr. Doug Petit. I see him coming forward. He will give us a presentation on what can be done to cope with your gas bill this winter.

Doug Petit: I have a couple hand outs here, or a hand out, I should say. Good afternoon, Commissioners. Again, I thank you for allowing us to take a couple of minutes. I will do just that, take five or ten at the most and explain a little bit about

the natural gas situation that we are facing this year. I don't think I have to explain to anyone here that it is indeed a crisis that we are facing with regard to the natural gas industry, the commodity price, and ultimately, consequently the bills that we all open up. If you're like me, I opened mine up for the period covering most of December, and even though I know, and I knew it was coming, it was quite a shock when you see bills at all time highs. We've spent a lot of time, we, the company, Vectren, have spent a lot of time recognizing this was coming, trying to get out in front of it and providing our customers with an opportunity to do what they can to get themselves prepared for the winter. In fact, probably, oh, late summer, early fall we came out and said customers in this part of the state would be likely to see, and this is with normal weather, would be likely to see an increase in their bill for the winter months, which is characterized or defined by November to March, about 45 to 55 percent. That's significant. So, what I wanted to do was spend a couple of minutes talking about why that is, a couple of minutes of what we can do, and then kind of the longer term picture. Let me step back by just saying that the natural gas commodity is what we're talking about. It is what has increased in cost. It is just that, a commodity traded on the commodity market and the financial market and the future markets, just as is, you know, your pork bellies and your gold and other commodities. So, we have seen such a tight supply and demand balance or imbalance, whichever way you want to look at it, over the last few years caused by a number of issues, and the exacerbated by the hurricanes that we saw this summer, that has resulted in prices in the natural gas commodity going from, let's say six years ago as a point of reference where it was trading in the two dollar range, up to we saw spikes of \$15 so far this winter. That's a significant jump. So, the, you say, well, how did we get to that point? It's a couple of things. Frankly, it's a result of a lot of federal government policies and lack thereof. Number one, all new generation, virtually all new generation, 90 plus percent, of electricity has been created by or fueled by natural gas. That's a result of environmental policies that have made nuclear difficult and coal difficult to build. So, we've said that's fine, and then on top of that we have created this increased demand, and then we came back and said, oh, by the way, known supplies are off limits as well. So, we artificially increased the demand, we've maintained the supply, or decreased supply, and here we are with resulting costs. So, as you see in your packet, and I'm not going to go through all of this, you can see where we said the average bill, again with normal weather for our residential customer for November through March is going to be, on average, going from \$580 for the five month period to \$875 for the five month period. Again, you can see what, that's reflected coming from the commodity price, and I think it's important to note there are two components to your natural gas bill when you open it up. There are, there is the commodity price which is about, it's actually north of 80 percent of the total bill. So, if your bill is \$100, which I wish mine was, if it was \$100 then \$80, actually \$82 of that right now is the cost of the commodity. I mean, let me also make sure that you understand that by law utility companies, we're no exception, local distribution companies across the country do not make money on cost of the commodity. In other words, if we spend a dollar on the commodity, we charge at most a dollar from our customers for the commodity. In fact, we're lucky if we get the dollar back, but that's just, that's fundamentally how that works, the structure.

President Musgrave: So, who is making the profit?

Doug Petit: Well, the folks that are making the money right now are the producers, Commissioner Musgrave. It's the folks that have made the investments in the wells and are extracting it from the ground or from the Gulf. Primarily, those are the same folks that are making money at the pump as well. Primarily, it's the same companies

that have those same investments. So, it's a good question. It is who's making the money. So, then the second component of your bill, which as I've said is much less is the 18 percent or so, and in the example we've given here, and as what we're actually seeing this year, is the delivery costs or the service charge, if you will. That's essentially where the company gets compensated for the cost associated with building the system, with running the system. That's your labor costs, your equipment costs, everything, and the opportunity to earn a return to the shareholders. All of that is caught up in that smaller portion, something less than 20 percent. So, I think it's important to note how that works. You can see where we actually broke out a bill for you, and an average annual bill, this year, these 12 months that we're in now, and we anticipate about \$1,124, and that's a 12 month bill again being your total bill, of that the gas cost would be \$927, the cost of the service or the delivery charge is \$171. We actually broke out what our profit opportunity is, and that would be \$26 out of that bill. So, I don't think there's any, there aren't any secrets in that. It's a very low margin business. Now, what I wanted to do is provide you some opportunities as to how folks and your constituents can save money on their bill. I mean, that's what I think is really the most important thing. In the short term it's a simple answer, and that's you have to figure out how to use less of the product, less of the commodity. There are a couple of things, I mean, obviously, you can dial back. That's one thing you can do. We've also spent a lot of time teaching customers, telling customers that they need to weatherize, close up the drafts, so to speak, in the house. These are common sense things, although we all probably have areas where we can spend a couple of minutes and actually, you know, very little money, to make a difference. One of the things is a programmable thermostat. There's an adage that's out there that says if you reduce the temperature in your home by five degrees for eight hours a day, that you can see a resulting decrease in your bill by five percent. It's a pretty simple calculation. Pretty simple for most people to do. You know, if you're like the traditional American family these days that everybody's out of the house for eight hours a day and back in. So, you know, it's hard, if you're going to do that, it's hard to do it and make yourself do it everyday. So, there are these very, very inexpensive investments called programmable thermostats that you can just program it and it does that for you. So, those, that's one great example that folks have used to try to reduce their consumption. Again, I talked about caulking windows, weather stripping, those things that keep the drafts out. Then there are more expensive opportunities that you have, and when we were buying natural gas at two dollars and passing it through at two dollars, to say, spend a lot of money investing in say insulation or new windows, those were pay backs that were way out there. So, in other words, if you spent, I'm picking a number, \$2,000 to do something, it might take you 20 years to pay back, that is to receive the result in savings in your bill. At the prices we're seeing today, those pay backs are a lot quicker. You might spend the \$2,000 and you might recover it in five years now, or three or four years. So, those, and those again would be the things like high efficiency furnaces, and those kinds of things. So, that's something that I think we're all seeing. There are also in the bill, the energy bill that was passed by Congress back in August, they provided some incentives for homeowners, and I think all of us will and should pay attention to what those opportunities are. Some tax credits associated with investing in energy efficient, high efficient appliances. So, not only does the pay back get quicker simply by virtue of the fact that the costs of the commodity are higher, but the federal government is also going to boost your opportunity to do that. The other thing that we've been telling our customers and touting it very highly is that there's an easy way to help budget your bill, and that is what we call the budget plan where we take what your estimated costs for the year would be and spread it out equally over 12 months. That's an easy way to help manage your budget. It's one that you can simply do by going on line, vectren.com,

or calling our customer service number. I will also tell you, as you well know, there is a number of your constituents that are facing, having a very difficult time, frankly don't have the opportunity or the where-with-all to keep natural gas flowing into their homes, and therefore their homes heated. There are opportunities and there are programs out there that folks need to be made aware of. They can access those through the community action agencies, through CAPE here in our area. There's the federal LIHEAP program that CAPE will distribute and help and qualify customers for. There are, there's a universal service program which Vectren has helped to create where customers can get a discount on their bill if they qualify from an income perspective. The local community action agency can point people in the right direction, as can our Vectren's customer service folks do that. So, I'm going to end real quickly here and I'll take any questions, we do have, besides those programs, we have a Share the Warmth program, which is, our customers are eligible for. Vectren has donated \$500,000 to that. We've also provided an additional \$200,000 that's available for matching purposes. Then there's a new program called Help Thy Neighbor that the administration of the state has gotten behind and helped push, and it's funded by Vectren and other utility companies, as well as a grant from the Lilly Foundation. So, folks are doing what they can to make assistance available to customers, and we just need to make sure that folks understand that the assistance is there. Finally, from a long term perspective, I talked about the national energy policy signed in August, unfortunately, it did not do enough to address the supply issue. It was inadequate with regard to helping and giving access to natural gas supplies. Primarily we're talking about areas in the outer continental shelf in the gulf, off the coast of Florida, and then also in the Rocky mountain region. There are opportunities to drill environmentally in a sound fashion to bring supply to the market place. We understand that supply is not the answer 100 percent, but we cannot conserve our way to a market place that will see substantial decrease in the price. So, we will continue to work with Congress to try to get this next energy bill passed that would allow us access appropriately. The other thing that we will also be pushing for is that there is room for alternative fuels. We know that, certainly as opposed to natural gas being used primarily for electricity. So, coal remains being our Nation's most abundant natural resource. It can be done, it can be used in an environmentally friendly way, a sound way. We think that if we continue to push for that, and again we will help our customers conserve in every way possible. With that I'll take any questions.

President Musgrave: Questions?

Commissioner Shetler: That program, is that tax deductible if you make a contribution to that?

Doug Petit: In fact, I believe it is. I'll confirm that for you, but I believe it was set up to be such.

Commissioner Shetler: Okay, and to whom do you make the check out to?

Doug Petit: I'm going to get back to you on that.

Commissioner Shetler: Sorry.

Doug Petit: No, I believe it can be made out to Share the Warmth, and I will confirm that back with you.

Commissioner Nix: Does your website address, cover that?

Doug Petit: It does.

Commissioner Nix: Okay, so, if they would go to vectren.com–

Doug Petit: Vectren.com.

Commissioner Nix: –they could get that information?

Doug Petit: I believe that information is posted on there, yes.

President Musgrave: Is this print out also available on vectren.com?

Doug Petit: If it's not, we'll make it available.

President Musgrave: Thank you. That would be good.

Doug Petit: Certainly.

President Musgrave: Any other questions? Thank you for coming.

Doug Petit: Thank you very much.

President Musgrave: I realize you have nothing but bad news to share with us, but sometimes if you don't know the bad news you can't cope with it.

Doug Petit: Well, you're absolutely right, Commissioner. We've seen it coming, unfortunately it's here, and all we can do is let people know that it is here and what we can do to help conserve.

President Musgrave: Thank you.

Commissioner Shetler: Thank you.

<p>Permission to Award Quote: VC05-12-03: Newman Road Culvert #1029 Removal and Replacement</p>
--

President Musgrave: We move now to County Engineer, permission to award quotes. Is the County Engineer here? He is not here. Do you have the quotes?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay, why don't we–

Madelyn Grayson: That was opened last week, the quote.

President Musgrave: The quotes were opened last week?

Madelyn Grayson: He's wanting to award it to...here's the information right there.

Commissioner Shetler: He's going to see if (Inaudible).

President Musgrave: Hold on just a moment while we check on Mr. Stoll's progress.

**Reading of Bid Openings for VC05-12-02:
County Engineer Office Expansion and Renovations**

President Musgrave: While he's doing that, do you have the bid openings?

Ted C. Ziemer, Jr.: I do.

President Musgrave: Do you want to read those?

Ted C. Ziemer, Jr.: Yes. This is for renovations to the Vanderburgh County Engineer's office at the Vanderburgh County Old Courthouse. Deig Brothers, \$70,327, alternate one, \$6,436. Wink Construction, \$76,883, alternate one, \$8,905. Key Construction, \$85,880, alternate one, \$9,180. ARC Construction, \$70,900, alternate one, \$5,500. Lichtenberger Construction, \$66,700, alternate one, \$6,818. Empire Contractors, \$70,875, alternate one, \$10,850.

Commissioner Nix: I move we take these bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

VC05-12-02: County Engineer's Office Expansion and Renovation

Company Name	Bid Amt.	Alt. No. 1	Total Bid
Deig Brothers	\$70,327.00	\$6,436.00	\$76,763.00
Wink Construction	\$76,883.00	\$8,905.00	\$85,788.00
Key Construction	\$85,880.00	\$9,180.00	\$95,060.00
ARC Construction	\$70,900.00	\$5,500.00	\$76,400.00
Lichtenberger Const.	\$66,700.00	\$6,818.00	\$73,518.00
Empire Contractors	\$70,875.00	\$10,850.00	\$81,725.00

**Permission to Award Quote: VC05-12-03:
Newman Road Culvert #1029: Removal and Replacement**

President Musgrave: County Engineer, permission to award quote VC05-12-03.

John Stoll: Yes, I would like to request approval to award the contract to Blankenberger Brothers for the amount of \$44,188.88. They provided the low bid on the project.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

**Second/Final Reading of Ordinance CO.01-06-002:
Concerning Board of Health Food Permits**

President Musgrave: We move now to the Health Department ordinance number 01-06-002 concerning the Board of Health food permits. This is the second and final reading. Is there anyone here to speak to the Health Department ordinance? If not, is there a motion?

Commissioner Nix: Motion to approve second reading, second and final.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That requires a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commission Shetler.

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

**Second/Final Reading of Ordinance CO.01-06-003:
Concerning the Board of Health**

President Musgrave: We have a second ordinance 01-06-003 concerning the Board of Health. Is there anyone here to speak to that? Seeing no one, is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That requires a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

<p>First/Final Reading of Ordinance CO.01-06-004: Concerning Speed Limits</p>
--

President Musgrave: We move on to our third ordinance of the day, 01-06-004 concerning speed limits. This will be the first and final reading. Mr. Shetler?

Commissioner Shetler: First of all I would like to thank Mr. Ziemer and Mr. Stoll for their speed on getting this taken care of. It came up about three weeks ago in a highway meeting and I appreciate the fact that they've moved so quickly on this. So, I would like to make a motion that we approve the ordinance.

Ted C. Ziemer, Jr.: Excuse me. First you need to make a motion to waive the second reading.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Is there any discussion? All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Roll call.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Now, we need a motion to pass it on the final reading.

Ted C. Ziemer, Jr.: First and final reading.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Do you want to reiterate for the benefit of those who might not have heard last week exactly what those will do.

Commissioner Shetler: Basically it's going to reduce the speed limits from 50 to 40 south of Boonville-New Harmony Road on Green River Road going to where it now is 45 at Heckel Road, and it will reduce the speed limit on Millersburg Road from Oak Hill to Green River Road from 45 down to 40, and on Oak Hill from Highway 57 to past the school, which is currently 45 down to 40. It makes sense because of the school being there, it makes sense because of the narrow, dark streets and stuff.

President Musgrave: When will the signs be posted? Because I assume it's not practically in effect until these signs are posted.

Commissioner Shetler: I hope quickly.

President Musgrave: Quickly, so everybody should watch for that and know that they have been changed and it's a matter of posting the new signs.

**Don Fuchs: Petition to Rename Old National Drive:
Hirsch Family Limited Partnership**

President Musgrave: We move now to Mr. Don Fuchs, the petition to rename Old National Drive.

Don Fuchs: Good afternoon. My name is Don Fuchs. I'm a partner with the Evansville law firm of Bamberger Foreman Oswald and Hahn. Our law firm serves as legal counsel for the Hirsch Family Limited Partnership. Here with me this afternoon is David Hirsch. David is one of the general partners. On December the 19th of 2005 our client filed with the Commissioners a petition to rename what's known as Old National Drive. We're requesting that to be renamed Hirschland Road. I have filed with Madelyn a certificate of service, we sent this petition out by certified mailing we find in compliance with the Indiana statute, which requires all adjoining landowners to receive notification of this petition. I believe our certification indicates that we have good service on all parties. I would like to distribute to you, I've got a drawing of the area affected, which I think it will make this a lot easier to follow. To assist you in getting oriented here, and I apologize, when you get a document of this size, sometimes the smaller print gets lost. What is shaded in green is the acreage that's owned by our client, the Hirsch Family Limited Partnership, approximately 225 to 230 acres. To the top here is the north, the south here we have East Columbia, to the west of what these lots here in green, that would be Burkhardt Road, to the north here between the green and the blue that would be Oak Grove Road to give you some orientation. What we are asking for, and what is the subject matter of our petition, is a road that is known as Old National Drive, which starts here at Oak Grove Road, and proceeds north. If you can see the lots that I have shaded in tan to the north there, you can see that road turns to the east at that point in time, and at that turn that becomes Logans Drive. So, what we are asking is a petition seeking to rename is starting at Oak Grove Road and running up to Logan Drive, which I would approximate to be 700 to 850 feet of road in length. Let me tell you how we got to this point and why we are here before you on this matter. In 2005 our client platted a one lot commercial subdivision here which is in the lower corner here, shaded, I guess, that is in brown. That's a one lot subdivision

known as William S. Hirsch Subdivision. That's a one lot commercial subdivision. That lot was sold last week to Old National Bank. That's approximately, gross acreage, a little over four acres, net acreage approximately two and a quarter acres. Our client has also received primary platting for what, you see these lots to the north of this lot sold to Old National Bank, this is a 30 lot subdivision, which is, again, received preliminary plat approval, and is known as William S. Hirsch Subdivision, Section Two. As part of the platting of William S. Hirsch Subdivision, Section Two we had various discussions with John Stoll, Brad Mills, and other county officials concerning the interior traffic that would be generated, and what type of roads would need to be developed in the interior of this development. We very quickly realized and we understood this is our responsibility to construct this road which would start here at East Columbia and then proceed up here to Oak Grove. This would handle the internal traffic within our development. When Morley and Associates laid that out, it was discovered at that point in time that this road lines up with Old National Drive. We preliminarily explored about if this road to the south of Oak Grove, from Columbia up to Oak Grove, that the road within our client's development could have a different name than Old National Drive. I learned a very valuable lesson is from the folks at Central Dispatch is for emergency response, these roads have to be consistent. We quickly understood that. So, then we turned our attention to, is there is a possibility to renaming Old National Drive so that we would have a consistent road starting here at East Columbia and proceed up to Logans Drive, and what our client was requesting is Hirschland Road. Our clients were very, wanted to do something in memory of their father, William Hirsch, who in my understanding sat on the local Area Plan Commission for a number of years. So, we requested the name of Hirschland Road. Well, when we looked to the folks up here that were going to be affected by this, we found that there were five property owners that were going to be affected. What is shaded in blue is what is the Lowe's development there. We have sent notice to Lowe's, received no response. Let me point this out to you, is that the address for Lowe's is Oak Grove Road. From my vantage point, I don't see how they would anyway be adversely affected. The development that you can see, the blue here that is touching what is now known as Old National Drive, that is vacant, unimproved land. The second property owners that would be affected are those that I would say are more in this pink or mauve colored, those are five and basically two thirds lots. Those lots are owned by three gentleman; by Tom Logan, my understanding a developer out of Henderson, Kentucky; by Bob Woodward; and by Jack Rogers. I've had discussions with both Jack Rogers and Bob Woodward, they both indicate to me that they also speak on behalf of their partner, Tom Logan, they have indicated to me that they are not in opposition to this petition. Furthermore, just for the record, I was just advised that we have agreed to reimburse these folks for any type of promotional material that they have concerning their lots, so that they are not in anyway adversely, economically impacted in this. Next, turn your attention to the two lots shaded in brown here. Those are owned by Old National Drive. I spoke with Marco Delucio, the attorney for Old National Bank, on several occasions, most recently before coming over here. He indicated that he was not planning on being in attendance, nor was, it was his understanding that anyone here on behalf of Old National Bank would be speaking in regard to this matter. The next property owner is the tan to the northern end. That is the former site of the Evansville Hyundai dealership. That property is now owned by the Evansville Teachers Federal Credit Union. I have a letter here from the president of the credit union, Michael Phipps, he is out of town, was not going to be able to be present here today, but I would like to make this as part of the record of the Evansville Teachers Federal Credit Union fully supports this petition. Madelyn, that's the original and several copies. The last party that is affected is what is shaded in a somewhat of a

red color here. It's approximately a lot and a third. The record owner of that is Simply Sizzling LLC. The principals of that are Tom and Kristian Griffin—

President Musgrave: Could I ask you to hold on just a moment while we change the tape?

(Tape change)

President Musgrave: Okay, we're all set.

Don Fuchs: Thank you. In July of last year I met with Tom and Kristian, they were very gracious. I went out and met them at their restaurant and explained to them what were doing. They had some good questions concerning how their addresses would be impacted. I have attempted, I have assisted them in getting them some information concerning that. Further, I have, our client has agreed to reimburse these folks for their promotional materials. Again, we don't want anyone to have an economic impact. Again, Tom Griffin is here and he may wish to come forward and speak on this. So, I believe we have sufficiently, we've discussed with all the property owners, and I find at this point in time that we have no one in opposition to our petition. Quite simply, folks, in conclusion let me just say why this is important. William Hirsch Subdivision, Section Two, I believe is probably some of the most commercially valuable real estate that we have on the east side of Evansville at this point in time. We believe that there are going to be other financial institutions that are going to want to locate within our development, and from a marketing standpoint we think it is very important to us to have a more generic name for the road as opposed to Old National Drive. No disrespect to Old National. That's, we were asking for your approval to rename this.

President Musgrave: Are there any questions of Mr. Fuchs? Are there any remonstrators? Is there anyone wishing to speak regarding this petition? Seeing no one. Is there a motion?

Ted C. Ziemer, Jr.: Excuse me. I think, are you here from the Area Plan Commission to talk to this? Yes. Area Plan Commission, of course, keeps the record of all street names in the community, and they make sure there aren't overlaps and so forth. So, Blaine is here from the Area Plan Commission to, I think, indicate their satisfaction with this.

President Musgrave: Mr. Oliver?

Blaine Oliver: Good afternoon. I'm Blaine Oliver, the assistant director at the Plan Commission. We are in support of this petition. We would like to see the continuous roadway from Columbia all the way to the north end be one name. The south end of this has already been recorded, along the one lot commercial minor that was referred to earlier. It's been recorded as Hirschland Drive already. So, we are in support of the petition.

President Musgrave: I'll ask again if there is anyone wishing to speak to this in any way? I see no one. Is there a motion?

Commissioner Nix: Motion to approve.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Don Fuchs: Thank you for your time.

**Waiver of Rental Fees at the Centre:
Evansville Police Department, the Pfender Family, County Auditor**

President Musgrave: We move now to the use of the Centre. We've had three requests to use the Centre at no charge. Two from government offices, the Evansville Police Department, and the County Auditor, and the third from the Pfender family who used the Centre today for the funeral of their son and family member, Private Pfender. I would like a motion to waive the fees for the use of the Centre, not including overtime.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Is there any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries for all three of those.

Tax Management Associates Addendum

President Musgrave: We move to contracts, agreements, and leases. The County Assessor, TMA agreement. I believe the County Attorney has reviewed that. Have you anything to remark?

Ted C. Ziemer, Jr.: No, this is an addendum to an agreement entered into earlier. It's in response to questions raised by the State of Indiana, the State Auditor, the State Treasurer, and the Department of Finance. The amendment addresses those concerns, and it's appropriate for execution should you decide to approve it.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Aramark: Operating Agreement-Food Service: Jail

President Musgrave: Next on the agenda is the Aramark agreement for the Sheriff. I've had conversations with Deputy Chief Eric Williams, and he is agreeable to letting this on next week's agenda while we have a couple of questions that I have

answered. He tried to answer them before the meeting and wasn't able to get the appropriate parties in Indianapolis to return telephone calls. So, we'll consider this one next week.

County Attorney

President Musgrave: Department head reports. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, I have two matters. You have in your file a contract for the services of Robert Canada for the drug court. We've reviewed that contract and find it appropriate for execution from a legal perspective.

President Musgrave: Is there any discussion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: The second item that you have I believe in the packet is a 2006 registration statement for Barnes and Thornburg as lobbyist for the county. Later on the agenda I think you're going to be looking at the engagement letters for Barnes and Thornburg. Whether or not you approve those engagement letters at this time, or wish further information on those, it would still be appropriate to approve the registration statement, which would require the signature of the President of the Commissioners.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I don't see those engagement letters on the agenda.

Ted C. Ziemer, Jr.: They are, I think, under the consent agenda, Madam President.

President Musgrave: Were you able to touch base?

Ted C. Ziemer, Jr.: I was. I can comment on that, if you would like for me to. The engagement letter for the services for state lobbying is identical to the engagement letter for last year, except it's \$800 less, and that is because this is the short session. So, they're charging us one month less at the \$4,500 rate, and instead charging the \$2,700 rate for the month of December. As in the case of last year, the state agreement provides for expenses in addition to that, but not to exceed \$2,000. As to the lobbying agreement for, the federal lobbying agreement, that is increased this year by \$1,500 per month. The analysis there is that last year, because this was the first year we were doing federal lobbying, we were given a discount, if you will, on

the cost of the federal lobbying agreement. I think it was, I know it was \$2,500 a month last year, this year it would be \$4,000 a month. There is some question about whether there is sufficient money appropriated to cover \$4,000 a month throughout the entire year. The agreement provides for termination on the giving of 30 days notice, and therefore we could, if you wish, approve the agreement at the \$4,000 a month rate. It's entirely possible that the services we need would be accomplished by May, in which case we could give notice that we want to terminate the agreement at the end of June. So, it would essentially be for one half of a year. If in the meantime there would be an additional appropriation, it could, of course, be continued throughout the remainder of the year at that amount. So, both engagement letters are appropriate for execution from a legal perspective, with those understandings regarding the financial perspective.

President Musgrave: Commissioners, the County Council cut our appropriation in this account from our requested \$500,000 down to I believe it's \$150,000. If we approve the federal lobbyist contract today, it almost wipes that account out, and it means that when the Vision-e amount comes forward to us shortly for our annual contract, we don't have any money to pay for that. Now, consider that the federal lobbyists last year brought us a whopping \$4.6 million in additional revenue to the county, that is building a road that has been planned since before I was born almost, or maybe the year after I was born. You may want to go ahead and approve the state contract today, and consider our options for another week. Or you may decide that it is so important to continue that federal funding, and we'll be applying for another grant probably next week from the federal government, that this outweighs any other consideration. But, I leave that decision up to you.

Commissioner Shetler: I'm just kind of questioning the logic. If because of the short session in the state, the price is going down, this being election year, I think that there's probably going to be less days that are going to be in session at the federal level, perhaps the same logic ought to hold.

Ted C. Ziemer, Jr.: Well, apparently it doesn't, because that's the rate, and that is not going to change.

Commissioner Shetler: I have no problem with the state at the moment.

President Musgrave: Okay.

Commissioner Shetler: But, would like to sit on it for a little bit on the federal and investigate that. I think Mr. Ziemer's recommendation might be an attractive one to look at.

President Musgrave: Is that a motion?

Commissioner Shetler: A partial year. That's a motion for the state, yes.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We'll defer until next week the federal contract.

County Engineer

President Musgrave: Mr. Stoll, you are next on the department head reports.

John Stoll: I've got three items here. First, I would like to request approval to go to County Council to appropriate \$1,547 in to the Burkhardt Road, Road and Street Account. That's account number 2160-4326. This is to cover the final payment to INDOT for the Burkhardt and Morgan intersection project. We just received a final invoice based on their final audit of the project.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: Second, I would like to request your approval for a 30 day time extension for comments to be submitted for the Green River Road-Millersburg Road intersection project. We received a request, I shouldn't say we, Clark Dietz received a request from an attorney representing a landowner out on the Green River and Millersburg project, and the request was that we extend the comment period for another 30 days. So, I would request that approval.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

John Stoll: The last item I have is an acceptance form for us to submit to the state for University Parkway. Even though it's already our road, we need a piece of paper to submit to INDOT so we can get credited for the road mileage. So, I would request your approval of this as well.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: That's all I have. Thanks.

President Musgrave: Do you have an appropriation request for the Old Courthouse? Or are you going to consider that next week?

John Stoll: I'll probably have to consider that next week, because with the alternates and everything, and I wasn't in the room whenever the bids were opened in their entirety. So, I'll have to come up with total—

President Musgrave: Alright.

John Stoll: —and then request that later.

President Musgrave: Thank you.

John Stoll: Thanks.

President Musgrave: Are there any other department heads who have a report to make? I see none.

Board Appointments

President Musgrave: We move now to board appointments. We have four, five listed here. Would you like me to read them all?

Commissioner Nix: Let's do them all at the same time.

President Musgrave: Alright. The Alcoholic Beverage Commission, Frank Daugul; Parks Board, Don Walker; Old Courthouse Foundation to rescind Tim Dodd; SWIRDC, appoint Jack Rogers; Polling Place Advisory Committee, appoint Mark Foster.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

New Business

President Musgrave: New business. At this point we need to announce the urgent need grant public hearing of January 17, 2006 at 7:00 p.m. at the Knight Township fire station on Burkhardt Road. There will be a meeting on this date and time, and it is the second of two public hearings on this issue.

Old Business

President Musgrave: Under old business, I will just go ahead and announce at this time the urgent need grant public hearing of January 10th, that is tonight, at 7:00 p.m. at the Knight Township fire station. That is the first of these two public hearings. We're required to announce those, and we are encouraging everyone to come and support the Knight Township in its grant application to get the money to build the fire station to replace the one that the tornado of November 6th took out of service.

Other New Business

President Musgrave: Other new business is we need to schedule an executive session for next week at 1:30 p.m. I believe we already announced that. Road hearings, Commissioner Nix?

Commissioner Nix: Yes, we've got three of them scheduled. I'll announce mine, and I guess, you two will want to announce yours. District one will be on February the 15th from 5:30 till 7:00 p.m. at Plaza Park Middle School. I guess, before you go ahead, we would encourage anyone that can't make any of the other two, they are not necessarily for district one, it could be for district two or three, but if you could make one of the three with input, I think it's very important that we get some public input. I'm very pleased with the turnout we had last year in two and three. I would like to see more people in district one come out. I'm pleased with what we were able to do last year with the road hearings, and, hopefully, we'll get the same things, or maybe more, done this year.

Commissioner Shetler: In district two, February the 22nd at 5:30 to 7:00 p.m and that will be at Scott School. Again, the road issues don't only deal with resurfacing any other issues that might come before as far as roads or safety issues are also brought up at that time. That's a pertinent time to do it.

President Musgrave: District three hearing, which is largely the west side, will be on January 18th from 5:30 to 7:00 at Helfrich Park Middle School. As the other two Commissioners have pointed out, this is for your concerns regarding roads. Roads that you think need to be repaired, widened, resurfaced, and also the ditch complaints that you may have. If there's a ditch that you think needs to be repaired or piped, this is the time to tell the Commissioners that, so then perhaps we can address it next year, and perhaps it has to go in to a more long term planning event. So, we've already covered the old business.

Public Comment

President Musgrave: It comes to public comment on our agenda. Mr. Fred Cook. Please come forward and tell us what the Commissioners can do under our official capacity to help you.

Fred Cook: Good afternoon. I'm Fred Cook with the Coalition of Inner City Neighborhoods. We came down today because of the Mr. Petit from Vectren being on the agenda, to hear what kind of solution he has to an ongoing problem. I would like to thank you all for hearing our concerns. Ever since Vectren seized control of Southern Indiana Gas and Electric Company, the people of Evansville have all witnessed the utility rates rise yearly in the fall and in the spring season. We have complained constantly to local and state officials, but our cries have fallen on deaf ears. Now that the rate increases can be contributed to the natural disasters from last year, this company somehow feels justified. But, what about the yearly increases in the past? Remember, this is the same company that reported record breaking earnings in each of their quarterly reports last year. This is the same company that charges a distribution charge for purchasing natural gas from a company that they own 61 percent of, Pro Alliance from out of Texas. Last year we seen extension cords running across streets from house to house, because low income people couldn't afford to pay those exorbitant rates. We even witnessed people that had rented generators. Sure you have the energy assistance program,

and they've even raised the poverty level guidelines to 200 percent, but the catch to receive this \$200 discount one must enroll in the budget plan, which some consider a form of entrapment and another way of being held hostage. Meteorologists both locally and nationally have already stated that our area of the country has been experiencing above a seasonally warm winter, but we have people that have zero balances carried over from last month's utility bill. Mr. Greg Fehn's bill skyrocketed to \$963.74 for one month. Ms. Grace Wilson, who's here with me today, president of CCIA, who was in Indianapolis for two weeks due to an illness in her family, had no carry over balance and was charged \$639.14. Her home was completely insulated two years ago with new windows and rolled insulation. I'm sure we will all here about heat related deaths and continuing crime increases that will somehow be tied to utilities, because people shouldn't have to make a choice between paying utility bills, food, medication and rent to survive. The only good thing that will come from these rate increases is now it's not just affecting the people and the residents that reside in the southwest side of Evansville, but also the people that live east of Highway 41 and east of 64 by-pass. With the upcoming elections, even with the proposed changing of the precincts I'm sure that a lot of elected officials that will be running for re-election will be confronted with this concern. Our coalition will be making copies of this winter's bills to compare them with other cities that are comparable in size and population, but have a different utility company servicing them. Then we will proceed from that point. I want to thank you for hearing us out. I know there's not a whole lot that you all can do, but we wanted to express our concerns, because that budget program, as an example, I called just to see what kind of benefits we would receive from it. Our utility bills at my house usually run between \$400 and \$500 during the month of January, from December to March, \$400 or \$500. That was before the rate increase. In the winter, in the summer months it usually runs \$150. They told me in order to get on the budget plan that my budget would be \$407 a month, each month for 12 months. So, how can I come out ahead, you know. All the money through these programs are going right back to Vectren. So, it's a no win situation. But, I'm sure a lot of you all will find, be confronted with this issue during the election time, because there's a lot of people that's working everyday that is working for Vectren and not for themselves. Thank you.

President Musgrave: Fred, on a separate matter, is 600 Jefferson, I didn't go by it this morning, is it still?

Fred Cook: The backhoe is still there. It's been there for two weeks.

President Musgrave: Mary was going to call yesterday to the Building Commissioner, do you know if she was able to get that done?

Fred Cook: I haven't talked to her since last week.

President Musgrave: Okay.

Fred Cook: But, it's been, and I appreciate you doing what you do to have that property tore down, but it's been—

President Musgrave: I don't understand why the backhoe's still there.

Fred Cook: Maybe it's frozen in the ground.

President Musgrave: They didn't pay their heating bill.

Commissioner Nix: It's not that cold.

Fred Cook: Maybe they couldn't afford no gas.

President Musgrave: Okay, well, thank you for coming. I appreciate hearing about your concerns on this.

Consent Items

President Musgrave: Commissioners, do you want to make a motion to approve the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: At this time I would like to take a five minute break, and then we'll come back and see if we can conduct our last piece of business, but I would like to go see how that's coming along. Alright, so we're going to take a five minute break.

(The meeting was recessed at 4:40 p.m.)

(Meeting reconvened at 4:45 p.m.)

President Musgrave: We're still in recess, but for those who are interested we are waiting for the attorney to produce some documents which will be brought in here, hopefully, by five till. We will just sit here and wait for that to happen.

(The meeting was recessed again at 4:45 p.m.)

(Meeting reconvened at 5:04 p.m.)

President Musgrave: Okay, we were in recess, and now we will reconvene. We have in front of us Allyson Breedon who's working on a lawsuit and you have a signed agreement in front of you. Would you like to enlighten us?

Allyson Breedon: I would. Commissioners, you signed a settlement agreement several weeks ago involving pending litigation involving Warren Spurling and Broadway Summit LLC. A few minor modifications have been made to the agreement, particularly the county has agreed not to construct the median on Green River Road until Broadway Summit completes the Lynch Road improvements. The county has agreed to pay for the full cost of the median on Green River Road.

Ted C. Ziemer, Jr.: The right turn.

Allyson Breedon: That's right, the county is allowing right turn in and right turn out at Cullen and Lynch, with a temporary barrier to be placed in the median on Lynch Avenue, on Lynch Road, excuse me. Broadway Summit has agreed to complete the

construction of the improvements on Lynch Road three months after the plans are approved by the county.

President Musgrave: What will motorists notice tomorrow? Or maybe beginning tonight on Lynch?

Allyson Breeden: Motorists will notice that there will be a three tiered wood barrier on Lynch to prevent a left turn off of Lynch on to Cullen.

President Musgrave: And a left turn from Cullen on to Lynch?

Allyson Breeden: Cullen on to Lynch, correct.

President Musgrave: So, today that road, Cullen, was barricaded off beginning in the mid-afternoon, was that? Tomorrow that barricade will be down, but it will be moved to the median in the center of Lynch Road?

Allyson Breeden: Correct.

President Musgrave: And the public should know that Mr. Vincent, is he the operator? Is he the investor of Black Buggy? What is he there?

Allyson Breeden: I'm not sure.

Ted C. Ziemer, Jr.: He's the developer of the real estate where the Black Buggy is.

President Musgrave: And he is working on plans to put in a stop light at Cullen and Lynch, so that there will be full access there. You can turn left, right going from the appropriate directions, and that we're looking to have that completed soon, but no later than 90 days?

Allyson Breeden: Three months.

President Musgrave: After the approval of plans, the engineering drawings for this. After, as soon as those are approved then he has 90 days, three months, to affect that. Then sometime after that the county will construct a concrete median on Green River Road, extending from Lynch to what?

Allyson Breeden: From Lynch to the property boundary of Broadway Summit.

Madelyn Grayson: Commissioner Musgrave, the recorder has stopped recording.

President Musgrave: Do you have the internet feed on?

Madelyn Grayson: Yes.

President Musgrave: Okay, you can digitize from that then.

Allyson Breeden: From Lynch Road all the way to the property line of Broadway Summit, which is almost to the Old National Bank.

President Musgrave: Okay. Mr. Vincent, after much negotiation has signed that document and you have it for us to sign today?

Allyson Breeden: I do.

President Musgrave: Commissioners, is there a motion to approve this?

Commissioner Nix: Motion to approve as amended.

Commissioner Shetler: I'll second. The main purpose, I think too of this is that on Green River Road, which now has full access on that intersection coming out at Davis Lant, is that correct?

Allyson Breeden: That's correct.

Commissioner Shetler: The street that's coming out of the Black Buggy area there on to Green River Road, where people are able to turn left out of there heading essentially south on Green River Road, or turning left in to there coming from the north, that is a pretty dangerous situation. So, the county has gained a situation there where it's right turn in, right turn out, eventually, as well as the other things that Commissioner Musgrave outlined. So, I think this is a win-win for all of us.

Commissioner Nix: Along with this, this will work in conjunction, according to Mr. Stoll when we looked at the plans of the continuation of Green River Road north of Lynch, which would be the next phase of the widening, it will all work itself in. So, it's part, really it's, as Commissioner Shetler said, it's a win-win situation.

President Musgrave: Alright, we have a motion and a second. I'll call for the vote. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there any further business to come before the Commissioners? 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 are adjourned.

(The meeting was adjourned at 5:10 p.m.)

CONSENT ITEMS:

Employment Changes:

Sheriff's Office (8)	VCCC (4)	County Clerk (2)
Prosecutor (2)	Circuit Court (1)	

Travel Requests:

County Engineer (2)	Treasurer (2)	Health Dept. (1)
---------------------	---------------	------------------

Auditor: 2004 Audit.

Commissioners:

Barnes & Thornburg State Lobbying Engagement Letter.
Barnes & Thornburg 2006 Lobby Registration
IBAP Gatekeeper Monthly Report-December 2005
Substance Abuse Council-2006 Funding
Vision-e Monthly Report-December 2005
Department Head Meeting Notes-January 3, 2006

Recorder: Surplus letter: computers.

Purchasing: Monthly Reports: October & November 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Officer		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Z. Tuley	Kris Williams
Doug Petit	John Stoll	Don Fuchs
Blaine Oliver	Fred Cook	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
JANUARY 17, 2006**

The Vanderburgh County Board of Commissioners met in session this 17th day of January, 2006 at 3:32 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Call to order the January 17, 2006 Board of Commissioners meeting for Vanderburgh County. I'll start with introductions on my far right.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

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

Commissioner Nix: Commissioner Bill Nix.

President Musgrave: Commissioner Cheryl Musgrave.

Commissioner Shetler: Commissioner Tom Shetler.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the January 10, 2006 Commission Meeting Minutes &
the January 10, 2006 Board of Finance Meeting Minutes &
the January 17, 2006 Executive Session Summary Minutes**

President Musgrave: We have on our agenda three sets of minutes to approve. Is there a motion?

Commissioner Shetler: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: There was an executive session today where we discussed potential pending litigation.

Bernardin Lochmueller: Update on USI-Burdette Bike Path

President Musgrave: We move now to action items. First on our agenda today is Bernardin Lochmueller to give an update on the USI-Burdette bike path. If you'll state your name, and I don't think we need his address. Do we need that? No. For the record. Oh, good, we've got everything going here.

Jim Farney: You also have these in your handouts. So, if you prefer to look up here, that's fine. We'll also try to get (Inaudible) for the audience, so they can see what we're talking about.

President Musgrave: Do you want the walk around microphone?

Jim Farney: No, this is fine.

President Musgrave: Okay.

Jim Farney: I can talk from here. Thanks for the opportunity to speak today. My name is Jim Farney and I'm with Bernardin Lochmueller. As Cheryl had said, we were hired by the County several months back to do a preliminary study for the possibility of constructing a bike trail from USI to Burdette Park. The purpose of the study was to come together with USI and county representatives to go over possible alternate routes for a trail between those two destination points, and to analyze those routes and to come up with some alternatives for those routes, and also the cost associated with constructing those routes. As I was told before I started, you've got a lot on your agenda today, so, I'll be very short and brief here. Basically, we went through the study, go ahead to the next slide. The project would start up at USI, that's the first handout that you have, which is at the top, upper left there. We investigated two alternate routes, is the pointer there? There's a route to the left, which starts up at the campus at an existing dormitory complex, let me point to that for you. It would be right here on your drawing. This is existing dormitories that were just recently constructed, which is directly connected to the campus core, which is up here. So, the first segment of the trail would begin at this parking lot and go south and across this dam where this is an existing lake recently built, and follow this across here, which is a proposed perimeter access road for the USI campus in their master plan. Another alternative is to start at a different location on campus, which is up here, this is their existing baseball complex, and, again, this is existing infrastructure up here and connected to the core. So, the other option would be to start here and come down to this point. Once we get to this point, there were two routes looked at. One to run down the east side of their sports complex, which is located here, just north of Broadway, which is here. The other option was to run down the west side and come across the bottom. Once we got to this juncture, we were looking for the best possible crossing of Broadway Avenue which is approximately right here. So, then we ran the trail from this point over to that point, we crossed over Broadway, go to the next slide, Harmony, and after you go to your second drawing I'm at this same point right here that I left you on the other drawing. Once we cross Broadway, the intent is to run south along Broadway for a short distance, either continue over to this (Inaudible) road and go down next to this (Inaudible) road or cut through this woods a short distance and come in to this clearing...by the way, all this property, the sports complex and this property is what's considered SIHE property, or Southern Indiana Higher Education property. Now that we're on this SIHE property, they asked that we use this open clearing for the trail. So, we have the trail proposed along this route here. Once we get to this point, they had suggested we continue on this clearing and try to come down this area here off this, this is a very high ridge, down to this low land, and follow the low land along the woods down to Nurrenbern. Another option that we looked at that was much more feasible, was instead of following the clearing on up and going down there and along the woods, we looked at going through the woods along this ridge and coming in to a clearing that exists here, and follow this clearing out. The object either way was to get in to this area which is, if you're familiar with the area out there this is Nurrenbern Road, it turns and goes across the front of Burdette. Once we got to this

location we're now trying to get to the end point which is the Discovery Lodge over here. So, we were instructed to come up this clearing, which is still SIHE property and try to get over to the Discovery Lodge. We looked at either coming through the woods at this point and finding our way up to the Discovery Lodge, or the original suggestion was not necessarily to end exactly at the Discovery Lodge, but just hit the park anywhere. So, we looked at the option of going up the clearing, a more direct, straight route up to the top of the hill. The problem with that route is it really doesn't get us to an ideal destination point, and there's some grade considerations there that are pretty extreme for the trail. So, basically, what we did is we, those were all the options, we got together with the group, we came up, we analyzed all the routes, we looked at the possibilities and what we came up with, if you want to go to your handout on the very first sheet, which says it's a construction cost summary, which is now up on the board, we selected these routes that you see on the left of the total package, and we costed each one out. We equated the lineal foot and the cost, and you can see the total cost of the trail was \$2,328,229. Once we arrived at that cost, we had also costed out all the other possible options that you saw on that drawing, and they ranged as low as \$1.7 million, all the way up to about \$2.6 million. So, the trail that we were currently considering is somewhere in the range between the two ends. After we came to that conclusion, our next step in the report was to help understand what the total cost of the project would be, because these numbers only reflect, those numbers only reflected construction costs. So, you would have other costs, such as planning activities, which is what this study was for. You would have project development. This also includes an environmental document. You would have preliminary engineering plans and surveying. You would have right-of-way acquisition, because the piece that is on SIHE property would come to you in the form of an easement. So, you would have some right-of-way acquisition to get that situated. This includes an appraised value for the land, even if it were, that could, would probably come to you as a donation, but nonetheless we programmed a cost as if you were to acquire it. Just to get a good understanding of what the project could cost. Then you go to construction, which this is the same number you saw in the previous slide. That's our total estimated construction cost. Then you go figure in your inspection and construction engineering to administrate the construction project. So, the total project now, considering all the program costs is right at three million dollars. Okay? Then the next, go to the next slide, Harmony. The next step in the process that we did was to evaluate how you might accomplish this. You had suggested that you were possibly interested in pursuing ISTEAs through INDOT. Basically, through the ISTEAs program, currently per any application request, the most they will allocate for each request is a million dollars. So, what we did is we looked first at a single stage construction. What if you were going to try to build this all at one shot, right out of the gate? If you were to apply and receive a grant from INDOT then from an ISTEAs grant, you would be, at best, you would get a million dollars. So, going back to the total program cost, if you take a million dollars off that, the monies you would have to come up with initially are right at two million dollars. Now, another step which is often done in ISTEAs programs, because they will only grant that million dollar cap, people start phasing their projects. So, if you look at this and do it in a two phase construction project, which we discussed in the meeting and how that would be done is we would build the portion on the USI campus down to Broadway, we will build the portion on the Burdette Park property to Nurrenbern as phase one. Then we would come back later and make the connecting piece on the SIHE property between Broadway and Nurrenbern, we would consider that phase two. So, if we took that approach, the cost for each phase would basically be just half of the total cost that we had above. Each grant, you would be asking for two grant applications, or two requests, so you would get a million dollars two times. Then the local monies that you would need for each

project, for each phase would be \$541,250. The end result, you would have only outlaid a million dollars versus the two million dollars up here, because you're going to end up getting another, a second million dollars from INDOT that you would not get through this process. So, even though this is more attractive to you cost-wise, it is phasing the project and delaying the end construction, or the end usability of the trail to some degree. However, this might fit your pocketbook much better. Then we even went down and considered what would happen if you phased it in to three phases. If you phase it in to three phases, basically, your cost per phase would be a little over a million, which is, again, that number just divided by three. If you were going to get grant from INDOT, each request you would be asking for 822, and the reason you can't, in this case, ask for a million dollars is they're also only going to participate in an 80/20 percent ratio. So, you've gotten a total project cost down where 80 percent of it falls less than a million dollars. So, that's why it's only 822 and not a million. But, you would be getting that three times. So, your total of monies from INDOT in this case would add up to \$2,466,000. The total project, of course, being the same. Your outlay at the end would be close to \$600,000. But, this is a three step program. This would take three phases of construction. It will take you a year just to get through, the previous slide I showed all the planning documents and everything else. Then you've got to go through three requests with INDOT. So, this could put the completion of the trail out pretty far. Now, as far as getting grant applications, INDOT, of course, looks more favorably toward LPA's that are willing to contribute more than 20 percent. So, of course, from INDOT's perspective, one of these top two would be more attractive to them. But, nonetheless, here's three possibilities on how this could play out.

Commissioner Nix: Before you go on.

Jim Farney: Yes?

Commissioner Nix: Between the three phases, two and three, do your soft costs go up proportionately?

Jim Farney: No, the only, no, they would be the same. The only thing that when you do your CE document, which is your environmental document for the trail, you cannot fragment that document. So, basically, in the first phase you would be doing the environmental document for the whole project. So, there's a few of those documents that can't be fragmented. But, as far as whether the individual cost really wouldn't go up. Now, if you, if the design of this trail ended up, for phase three, ended up being five years down the road, then I assume, you know, your consultant fees would go up by whatever their, you know, their hourly rates had gone up over that period of time.

Commissioner Nix: And construction costs pretty much?

Jim Farney: And construction costs and everything. You know how that works, Bill. As time goes on, it just goes up. So, in that respect, yeah, they'll go up, but you're not going to pay more because you're going it three instead of one, just simply put, okay? Go ahead to the last slide.

Commissioner Shetler: Jim?

Jim Farney: Yes?

Commissioner Shetler: Has any consideration been given to the Greenway project and plans that they have and trying to incorporate this in to their plans a bit? Or is that not even—

Jim Farney: The Greenway plans being? The Evansville Greenway?

Commissioner Shetler: Yes.

Jim Farney: Well, the Evansville Greenway always speaks of this in their long term plan, a trail connection at USI. So, in some respect this is, I guess, a piece of what the Greenway's always seen in their overall plan. The Greenway is currently trying to progress up Pigeon Creek with their current plan of attack, and they have a project that they currently was just recently awarded, and they've got another application in currently for the next section which would get them up to Maryland. So, their emphasis right now is to try to get up Pigeon Creek, but in their long range plan they speak of this.

Commissioner Nix: And that would be a tie through a parking lot at USI?

Jim Farney: To the Greenway trail?

Commissioner Nix: Yeah, from the Greenway, it would be....right now there's really no plans that physically tie together, but the Greenway does, in fact, come up 62 to outer Lloyd, it would be on the USI side, is that correct? Do you know if that (Inaudible. Microphone cutting out.)

Jim Farney: I don't know that I've seen....I think the early planning document suggests that, yes, that it's on the south side and runs out to USI.

Commissioner Nix: So, by rights, if nothing else, it would tie by just crossing a parking lot or two to access this property (Inaudible. Microphone cutting out.).

Jim Farney: Well, the other thing that USI is contemplating that, again, I don't want to take up too much of your time, but they are currently in the process of master planning their campus, and they have a whole perimeter road system that's in their master plan, and that whole road system is going to have bike lanes on it. So, they will have bike lanes, they will be constructing their own bike lanes on their access roads that will take you from the bottom of the campus up to the interchange at the State Road 62. So, they'll make that connection up to the highway. So, it would be the Greenway's, the Evansville Greenway's point of beginning then at the interchange, and then they would take off from there, I would assume. Now, the other possibility, by making this connection down to Burdette Park, is you connect back to the Greenway by virtue of the river bottom roads. There some advantages to that too. It's a much safer route. It's a more scenic route. So, there's possibilities that this trail goes from, that your final connection to the Greenway doesn't really come down the Expressway. It comes back up through, from Burdette Park up toward the city, through that direction and ties in. Because, ultimately, the point you're going to connect to is the old Ohio Street bridge there at Pigeon Creek where it dumps in to the Ohio River. That's basically the point where the two are going to marry. Okay, the only other thing that I wanted to show you real quickly is, just to give you an idea on time lines, the planning activities is what we've completed to date. The next thing would be project development. That takes you through finalizing and alignment, going through a field survey, developing a preliminary plan, starting your environmental document, getting that environmental document

approved, and then possibly having a public hearing. That whole process typically takes six to eight months. So, then beyond that, you would go to the next step which would be doing your soils investigation and going into final design, and preparing your cost estimate for the project. Then near the completion of that, you usually go in to your right-of-way acquisition phase. So, then you would be getting the appraisals on the SIHE property. One of the reasons that you're trying to do that is appraise that property and act like you're buying it, is the fact that INDOT will see that as part of your soft match. So, there's some advantages to taking that process and going that direction, okay? Then after you get through the right-of-way acquisition and INDOT officially deems the right-of-way clear, which means they feel like you have the rights or the ability to build this on that property, then you would go in to the bid period. Again, this would be bid through INDOT, and their bidding process takes three to four months. Because in that process what they're doing is they are copying all the plans, they're sending them out for bid, they're going through a bidding period, answering contractors questions, and then it comes back and then they let the project. So, at that time, at the end of that bid period, that three to four months, you would have a let project, hopefully, and then immediately after that you would go in to the construction mode, and this project would....it depends on how you phase it, but it could take anywhere probably from six to 12 months to build the project, depending on how much you phased it. After that, basically, you're at the end of construction and you have project close out. So, the only reason, the thing that I wanted to demonstrate here is, that if you add up all those months, you're that many months down the road from, as I sit here today, before you even go to phase one. So, if you have phase one, you can kind of see where you're going to end. If you have phase two, you don't go all the way back up to the top, you go down there about to the middle, but you're still going to have two to three months of design of the next phase, then you go back through the bidding process, which is the same three to four months, etcetera, etcetera. So, if you get too many phases, your projects just seem like they're never going to end. You're never going to get there. So, I wouldn't encourage a whole lot of phases, but on the other hand, I'm not saying a single phase is the answer either. You have to come up with the match, or you're not going to get anywhere either. So, you need to just think through this, discuss it, and come up with what you think works best for you. I don't want to take any more of your time. If anyone wants to ask anymore questions, I would be glad to try to answer them.

President Musgrave: Now, I understand that we've got the application for the grant nearly ready to go—

Jim Farney: Yes.

President Musgrave: —and that that will be filed by the end of the month with all the appropriate signatures?

Jim Farney: Yes. The other thing with ISTEA monies is, you can only apply at a certain time of the year. You can't apply just anytime you feel like it. They only accept applications beginning in the late months of the year, and, basically, having an MPO, EUTS, as we do in Vanderburgh County, that application needs to run through EUTS.

President Musgrave: Okay.

Jim Farney: And EUTS' policy board meets in January to approve anything they are going to apply for, and then at the end of January is your application period. So, if

you want to apply this year, then we've got to get everything in order by the end of January, which shouldn't be a problem. So—

President Musgrave: Do the Commissioners all sign the application?

Jim Farney: Yes. Well, I don't know that you all have to, but one of you will have to.

President Musgrave: Okay.

Jim Farney: If you all want, if all three of you want to, that's probably fine.

President Musgrave: Well, why don't we go ahead and make a motion then to authorize the signing of the, any application documents, or letters or any accompanying documents that need to go with this grant as it moves through the process.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you very much.

Jim Farney: Thank you.

President Musgrave: I understand from Area Plan, where they've already had their EUTS policy meeting for this month, that they are going to send it to each member individually. So, I would ask that you, and Steve Craig, go touch base with Brad Mills down at EUTS and see how quickly that can get underway.

Jim Farney: Okay.

President Musgrave: Alright?

Jim Farney: Alright. Thank you.

President Musgrave: Thank you very much.

**Purchasing: Permission to Award:
APA-020-2006: Toners and Ink Cartridges
APA-022-2006: Computer and Copy Paper**

President Musgrave: Next on our agenda is Purchasing, the permission to award two bids, toners and ink cartridges, computers and copy paper. Mr. Lawrence?

Phil Lawrence: Yes, Madam Chairman, Commissioner Nix, Commissioner Shetler, I would like your permission to award APA-020-2006, toners and ink cartridges. You have a copy of the breakdown. ICC Business Products was the low bidder for ink jet cartridges, \$11,480.82. Alpha Laser was the low bidder on the re-manufactured toners, \$47,973.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Phil Lawrence: The next one is APA-022-2006, computer and copy paper. The low bidder on that was Resource Services at \$85,651.50.

President Musgrave: Is there a motion to approve?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Phil Lawrence: Thank you.

Sheriff: ARAMARK Operating Agreement: Food Service: Jail

President Musgrave: We move now to contracts, agreements and leases. The Sheriff has an agreement with ARAMARK, and he was, Chief Deputy Williams was unable to attend today. I know the attorney has reviewed the contract. Do you have any remarks?

Ted C. Ziemer, Jr.: I don't. It's satisfactory for execution.

President Musgrave: Okay.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Westbrook Agreement Addendum

President Musgrave: We have on the agenda a Westbrook agreement addendum. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, Madam President, I first want to present you with checks for insurance proceeds totaling \$71,885. These are insurance proceeds on the various mobile homes in the Eastbrook Mobile Home Park that had debris that needed removal, and the insurance proceeds to the degree covered debris removal, and that's what these proceeds represent. There are still companies to be contacted, or are in the course of being contacted, or are in the course of waiting for responses, and Eastbrook Mobile Home Park, or Westbrook Corporation has requested that we give them an additional two months to collect the balance of the proceeds before we would draw against our letter of credit. So, they would like us to agree that if by March the 15, 2006 they have not collected the entire \$100,000 or more of insurance proceeds, that the county could then draw against a letter of credit by March 20, 2006. I have a new letter of credit, which I have given to the recording secretary, and she'll provide me with a copy of that. Then I have an addendum to the Eastbrook Corporation agreement, which is in the file, by signing which you would agree to these terms. That's satisfactory for execution.

Commissioner Nix: When we originally had set this up I thought it was a little, the time constraints that they had were a little tight. I have no objections to allowing them to (Inaudible. Microphone cutting out.) extension (Inaudible). Then what they can do for the time being, I'm sure is pretty (Inaudible). So, I would like to make a motion that we extend the time frame through March the 15th, with drawing on the credit after March 20th.

Ted C. Ziemer, Jr.: On March 20th.

Commissioner Shetler: Second.

President Musgrave: And I would like to point out that the FEMA regulations for the reimbursement that FEMA has for us requires us to collect this insurance money as a condition of receiving anything from FEMA. I will call for the vote. All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

EARC Grant Agreement

President Musgrave: We move now to the EARC grant agreement.

Ted C. Ziemer, Jr.: This agreement is the same as their agreement for 2005, with the same grant amount being involved, which is \$279,000. The only change between the 2006 agreement and the 2005 agreement is that we're now requiring a verbal presentation by them at this meeting only twice a year, rather than four times a year. It is satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Treasurer: American Financial Credit Services

President Musgrave: We move now to the County Treasurer, American Financial Credit Services contract.

Z. Tuley: Good afternoon. I'm Z. Tuley, Vanderburgh County Treasurer. I did receive the amendments that you had sent forth. I forwarded those to Kris Williams, the CEO of American Financial Credit, and he had no problems with any of those changes. So, he's comfortable.

Ted C. Ziemer, Jr.: Yeah, we did prepare amendments to the agreements submitted by American Financial Credit Services, and, as Ms. Tuley says, they have accepted those changes. So, the agreement is in the file and it's satisfactory for execution.

President Musgrave: Treasurer Tuley, would you just go over again what the public can expect as a result of this agreement that we're signing.

Z. Tuley: Okay. First and foremost we would have to go back to the 2003 payable 2004 tax bill. If you received your tax bill in 2004 and you did not pay, in the beginning of 2005 you were certified to the County Clerk. This becomes a lien.

President Musgrave: Personal property, oil?

Z. Tuley: We're talking about personal property, mobile homes, state assessed and oil. Qualifying oil. Oil has to be offered at tax sale twice before it can be certified to the Clerk. This becomes a lien. This lien shows up in your credit report. The company that I'm asking you to sign the contract for is only going to pursue collection from those, excuse me, that have been certified to the Clerk already. So, annually they will get a new batch. We are getting ready to send out demand notices. So, for the 2005 bill, if the taxpayer did not pay that bill, they will, in addition to that bill, get a demand notice from me in the next few days. Well, actually, I think they're scheduled to go out on Monday. If that demand notice is not paid within the 30 days allowed, their names and the amount of taxes that is owed will be submitted to AFCS at that time.

President Musgrave: Okay, and this contract with this company begins on February 1st. So, between now and then you will have an actual list of these delinquent personal property taxpayers on your website?

Z. Tuley: The list is created at the time that they are certified to the Clerk. It's all one file. It's a working file. Then once it's certified to the Clerk, it falls in to that category, and that is a separate, searchable category on my website that says, that way, if you are John Doe taxpayer that did not pay in 2004, you will see him as a repeat offender in 2005, if he did not pay again.

President Musgrave: But, you'll post a list as well, as well as your searchable data base, you'll have a list that starts at A and ends at Z, won't you?

Z. Tuley: Starts at?

President Musgrave: The letter A and ending at the letter Z.

Z. Tuley: At the time that we certify?

President Musgrave: Yes.

Z. Tuley: I don't know that it's doable prior to payment. It's, it would be, I don't know about the technology, because I can't blend it in with those files, because they haven't been certified to the Clerk. So, then it would have to be a separate file. I don't know what kind of technology that would take, because you're out of my realm of expertise. But, those people will be getting a demand notice. It is a certified demand notice. So, they must sign for it. So, the taxpayer has had the opportunity to pay the bill last year, they also get the opportunity to respond to a demand notice. Any address changes that may have occurred, there may be another series of address updating with the Auditor's office and the township assessors, and I have already done this once in May of 2005 as we got them back. But, this process does give us a second opportunity if someone has failed to turn in their change of address timely.

Ted C. Ziemer, Jr.: Z., I was thinking maybe Commissioner Musgrave was thinking people don't know yet, they know they haven't paid, but they don't know that very shortly there's going to be a collection process, which is going to establish a 25 percent penalty, if you will, for the collection of that, which they are also going to have to pay, and if they knew that in advance of that collection process beginning, they may come in and pay and not have to pay that 25 percent. Will they have some kind of knowledge of that?

Z. Tuley: That is correct. It is written in red. It's the only red section, or I believe it's the only red section on the demand notice, it says if notice is not paid within 30 days there will be an attorney's fee. Right now it stands at 1/3, because the prior contract that we had with a local attorney for his collection fee it was 33 percent, or one third.

Ted C. Ziemer, Jr.: And it says that in the red language?

Z. Tuley: Yes.

Ted C. Ziemer, Jr.: The amount? Thirty-three and a third percent?

Z. Tuley: Yes.

Ted C. Ziemer, Jr.: Good.

Z. Tuley: It says 1/3. So, technically speaking, because until this contract is signed, I can't have created new forms that would say now it's only 25 percent.

Ted C. Ziemer, Jr.: Sure.

Z. Tuley: But, that is what the form will say. The form will actually say 1/3, and they will not endure quite that amount.

Ted C. Ziemer, Jr.: Thank you.

President Musgrave: I've had a number of discussions with your Chief Deputy, and I see that he's here today, at no time did he indicate that creating the list on the internet would be a problem. He's here could he address whether or not—

Z. Tuley: It's not a problem to put on the internet. It may be a problem to separate it from the system that we already have in place. I'm not real comfortable with putting the delinquent notices, or the delinquent list on the internet until they are given the opportunity to respond to the demand. If it is indeed an assessment in error by the township assessor, or if the current address is not correct due to a transposition of the street number, for example, this would mean that this would be the fault of the county and not necessarily the fault of the taxpayer. So, if they didn't get the bill, or if they did get the bill and they ignored it, receiving the demand notice also calls their attention to it. Also, the demand notice itself, in an attempt to recoup some costs, has an eight dollar fee that they must pay. That is to, an attempt to recoup the certified mailing that we're having to do, plus paper, plus envelope.

President Musgrave: I would like that list on the internet so that people can check for their family members who may not be paying attention to the demand notices that they get so that we can at least give the taxpayers a fighting chance to pay the taxes that they owe without this additional 25 percent to the contractor. Your deputy has given me all the assurance in the world that this list can be posted. I will hope that you can do that as soon as possible. You say your list is being mailed to people on Monday, so, you will have the list generated from that mailing, if no other means.

Z. Tuley: I will have that list. It is being done, it will be completed by Monday.

President Musgrave: You can post the list?

Z. Tuley: I'm not real comfortable posting the list. I must say that as the elected official for the Vanderburgh County Treasurer's office, I have been given the duty by the Vanderburgh County taxpayers to collect taxes. That's what I do. At the current time I am following exactly what the law says that I should be doing in the manner in which the law is telling me to handle it. I am handling it in this manner currently. In the past we have had a collector that charged 1/3. They were given the opportunity through the legal process to pay. If they did not pay, at that time our legal collector notified them. I don't feel so bad that they got hit with another 1/3 penalty. They were given two opportunities, one with the bill, and one with the demand notice. That's what the law says is supposed to be done. That is exactly what I do. Once they are certified to the Clerk, that list is present. If someone does happen to find that before they are contacted by American Finance, or in the past before they were contacted by our legal collector, then they also had the opportunity to take care of that without an additional penalty.

President Musgrave: Well, I'm very disappointed that you won't post the list.

Z. Tuley: I'm not inclined to do that, as you and I have discussed, without further research. I would like to see if other counties have published this in advance. I have a particular situation that I have shared with at least one other Commissioner. It didn't come to thought when you and I had our phone discussions. Deaths in the family. When there are deaths in the family, you could have the potential to advertise the name of the decedent. Perhaps they were not well enough and their spouse and/or their family were not aware that they were negligent of these things due to their failing health or whatever that situation may be. Some have been turned over then to estates, and they are being handled by attorneys. We may be rubbing salt in the wound to those who have had family members that passed, and then we advertise them, without allowing them to have the opportunity to respond to a demand notice first.

President Musgrave: The value of the property, personal property taxes, and the example you are telling me now, you told me earlier that was a real property situation and not the personal property that we're dealing with.

Z. Tuley: The one that you and I talked about was the loss of a daughter.

President Musgrave: In a real property—

Z. Tuley: I'm talking about the loss of a spouse.

President Musgrave: In this, the amount of the overdue taxes that you are seeking to collect here is more than five million dollars, right?

Z. Tuley: That's correct. We already have had legal counsel trying to collect this for years. American Financial has promised a greater return for their effort.

President Musgrave: Plus 25 percent. It's that 25 percent that I would like people to have a fighting chance, in the next two weeks, not to have to pay, but you will not post the list.

Z. Tuley: They have 30 days to respond to the demand notice that I'm sending out, which they must sign for.

President Musgrave: Okay.

Z. Tuley: I don't feel that we should embarrass them and shame them in to paying without them receiving the demand notice first and having some time to respond. I also don't think that we should embarrass the county for any errors that we may have on our part before the taxpayer has time to respond to the 30 day notice. Then once the demand is ignored, then to certify them to the Clerk and further steps be taken, I don't have any problem with that.

Commissioner Nix: Ms. Tuley? Would it be feasible then to say at some time, maybe eight to ten days, these letters are sent out certified, is that correct?

Z. Tuley: Yes.

Commissioner Nix: Okay. At some time, within ten days, would it be feasible then to have those posted somewhere?

Z. Tuley: Before they have their 30 days? The law says they have 30 days to respond.

Commissioner Nix: Okay.

Z. Tuley: The notice says that they have 30 days. The notice says that there will be attorney fees after the 30 days if they don't respond, as per Indiana Code.

Commissioner Shetler: Z., any feeling on this \$5.4 million, is it, how much of it is commercial or individual, you know, privately?

Z. Tuley: I didn't separate it out in that fashion, but it is a blend of all of the above.

Commissioner Shetler: Okay, thanks.

Z. Tuley: I think this is a win-win. I think it's a win for the county to collect this delinquent money. I also thinks it's a win for the taxpayers to have the opportunity to clear things up in the next 30 days. For those that are already certified, which is where American Financial will get started, they have already been given the same opportunity, and now they have to face the consequences of having not paid. The county already slaps a ten percent penalty when you pay late. That's a pretty harsh and steadfast penalty.

President Musgrave: I believe that's a state penalty, not a county penalty.

Z. Tuley: Yeah, it's ordered by law. I don't have any choice. The law says that I will send them a notice. The law says that I will certify them to the Clerk. That list is all public record, and all published, and on the internet.

Commissioner Shetler: Do you need a motion for approval then? So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Z. Tuley: Thank you.

Commissioner Nix: Thank you.

Madelyn Grayson: May we make a tape change please?

President Musgrave: Certainly.

(Tape change)

Cooperative Extension Service: 2006 Contractual Services Agreement

President Musgrave: Cooperative Extension Service, contractual services extension agreement. Is there anyone here to speak to this? Or is it just reviewed by the attorney?

Ted C. Ziemer, Jr.: This is, again, an extension of an agreement that they had through 2005. This extends it through 2006, and appropriates an additional \$64,080 through the period January 1, 2006 through December 31, 2006.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Health Department: Diabetes Grant Amendment

President Musgrave: Health Department, diabetes grant amendment. Mr. Ziemer, I believe you reviewed this also.

Ted C. Ziemer, Jr.: Yes. This, again, just appropriates an additional \$10,000, and extends the term of the agreement through March 29, 2007. Again, it's appropriate for execution.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

**Resolution: CO.R-01-06-002:
of the Board of Commissioners of Vanderburgh County
Concerning the Establishment of the SW IN Regional Air Commerce Park**

President Musgrave: We come to a resolution R-01-06-002 in support of legislation establishing the Southwestern Indiana Regional Air Commerce Park. Is there anyone here to present that matter? We have a letter of resolution in the file. Have the Commissioners had a chance to review that? Do you care to read it into the record, or just go ahead and pass it?

Commissioner Shetler: I don't have a copy of it.

President Musgrave: It's right there.

Commissioner Shetler: Test my reading skills here.

Commissioner Nix: That's why you sit there.

Commissioner Shetler: Really?

"Whereas, the Board of Commissioners of Vanderburgh County, Indiana, are duly organized and existing pursuant to Indiana Code Section 3-2-2; and Whereas, the Board of Commissioners of Vanderburgh County, Indiana, do by this Resolution adopted the 17th day of January, 2006, enter upon the record their support for the legislation establishing the Southwest Indiana Regional Air Commerce Park and instruct the custodian of their records to transmit a copy of this Resolution upon adoption to the Indiana General Assembly so stating their support for this legislation. Now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County, Indiana, as follows: (1) The Board of Commissioners of Vanderburgh County, Indiana, do by this Resolution, enter upon the record their support for legislation establishing the Southwest Indiana Regional Air Commerce Park. (2) The Board of Commissioners of Vanderburgh County, Indiana, instruct the custodian of their records to transmit a copy of this Resolution, upon adoption, to the Indiana General Assembly so stating

their support of this legislation. (3) The Board of Commissioners of Vanderburgh County, Indiana, are hereby authorized to take any and all necessary actions to carry out the purposes of this Resolution, including the execution of all such documents and instruments to carry out the purpose of this Resolution.”

It should be in full force and effect after adoption by the Board of Commissioners of Vanderburgh County.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Ordinance CO.01-06-005: Concerning Equal Employment
Opportunity and Overtime/Compensatory Time**

President Musgrave: We move now to county ordinance 01-06-005 concerning equal employment opportunity and overtime/compensatory time for the first and final reading tonight.

Ted C. Ziemer, Jr.: I understood that we were going to hold that over.

President Musgrave: Oh, okay. Let's hold that over until next week then.

Solarbron Terrace: Request to Close Roads for Race

President Musgrave: Solarbron Terrace has issued, or asked us to close the roads for a race. I understand that our attorney looked at that, and that the race will be held in May, but I don't have the date, to raise money for a disabled fireman who lives at Solarbron. Is there any discussion? Or is there a motion?

Commissioner Nix: Move approval. I guess, before, excuse me, before I do that, I guess, all the paperwork has been lined up for that?

Ted C. Ziemer, Jr.: The paperwork is in line. They've given us certificates of insurance. I did request, by e-mail, to the County Engineer that he would let us know if he had any problems with it, and I have not had any response in that regard.

Commissioner Nix: Are they going to take care of barricading what they need to barricade?

Ted C. Ziemer, Jr.: They will, and they will have their own security.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Knight Township Trustee 2006 Standards

President Musgrave: The Knight Township Trustee guidelines have been received from Knight Township. All the township trustees are required to ask us to approve those annually. Knight's is the only one that we've received so far. I have asked Ms. Farrell to e-mail the other trustees to have them get their standards through to us, but they were the same as last year from what I understand, and you reviewed those?

Ted C. Ziemer, Jr.: They are, and they meet all the standards.

President Musgrave: Okay. Is there a motion to accept?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Superintendent of County Buildings

President Musgrave: We come now to department head reports. Ms. Farrell, you have a report on the Old Courthouse.

B.J. Farrell: Yes. The Old Courthouse Foundation did meet last week, and we do have a couple of questions and would like some guidance from the Commissioners. We have not yet, for 2006, have anyone sign a lease agreement to use the Wedgewood Room for any facility for the year, and we do have our RFP out with those responses being returned to us by February the 8th. The board would ask the Commissioners to consider not spending any funds to make any renovations to the room, to possibly rent it until we get some recommendations from the consultant about which way to go. They feel that we would be spending money and then have to redo what we might be doing as a temporary fix to make it more presentable. So, I'm asking for guidance from the Commissioners on how they would like that handled.

President Musgrave: How long will it take for them to come back with a recommendation?

B.J. Farrell: The RFP's are to be returned by February the 8th.

President Musgrave: Okay.

B.J. Farrell: The board, I believe, meets the very next week.

President Musgrave: Oh, that's fine.

Commissioner Nix: I would think that it would be four, at least four or five months before there was anything physically done. We were just looking for a window to say that from this point back (Inaudible. Microphone cutting out.) from this point forward, not because of, once again, not to hamper progress (Inaudible).

President Musgrave: People have been renting it in it's current condition, right?

B.J. Farrell: That is correct, yes.

President Musgrave: You think that no construction or changes would even be able to begin until like April or May, right?

Commissioner Nix: I think a lot of that would have to do with the response that we get from these RFP's, which is February the?

B.J. Farrell: Eighth is the deadline.

Commissioner Nix: I mean, we're hoping that there's going to be some people there to present plans with some concrete activities and some time lines and that. That may be a little bit premature to hope for, but we would like to see that anyway.

President Musgrave: Is there any problem with anyone renting it between now and February 8th?

B.J. Farrell: There's no problem....I don't know if this is off or on. We don't have anyone, because the inquiries that we have had so far, one of the questions they ask is, can we guarantee them that in eight months that room will not be under renovation, because, as most of us probably know, wedding receptions and so forth they are planned a year, a year and a half in advance, and that was their concern. So, we told them we could not guarantee when the work would start, but if they wanted to rent it, they could, but we couldn't guarantee that something wouldn't be going on at that time because it was so far in the future.

President Musgrave: Do you want to make a motion?

Commissioner Nix: I don't know what it would be.

President Musgrave: Or give her advice?

Commissioner Nix: I think we just need to kind of play it by ear right now, and just see how the RFP's come out, if there are any actual things in there that say that if we get started with construction at a certain time that, you know, this is when we would need this room. So, I think we can just table it for maybe this meeting, and after we review any RFP's in February come back to the Commission with maybe something that may be a little more concrete. But, we just wanted to call it to the attention that if we did proceed with this, this could present a problem for us.

President Musgrave: I know that SMG has now taken over the scheduling and booking of that room. I suppose none of us would have any problem if somebody wanted to rent it over the weekend in the condition that it is in now, given the fact that nothing is happening now.

Commissioner Nix: For the next couple of months I would say for sure.

President Musgrave: Okay. Alright. Is there anything else, Ms. Farrell?

B.J. Farrell: Just...I don't know if this is on. I can't tell. Okay, here we go. We did receive a letter from the Welfare to Work, the IBAP Gatekeeper program. They just asked that we allot the money as was decided by their board, their advisory council, and I just want to submit that letter in to the record, then I will process the requisition to obtain a purchase order.

President Musgrave: Okay. Anything else?

Ted C. Ziemer, Jr.: Just pass this down?

B.J. Farrell: Yes, please, to Madelyn.

County Attorney

President Musgrave: Alright, Mr. Ziemer, I understand you have some SIGECOM contracts.

Ted C. Ziemer, Jr.: Yes, pardon me.

B.J. Farrell: I couldn't get going here quick enough.

President Musgrave: Sorry.

B.J. Farrell: Mr. Acker is here, did you wish for me bring up the situation at the Veterans Coliseum, or have him do it?

President Musgrave: I was going to have him come up after Mr. Ziemer.

B.J. Farrell: Alright, thank you.

Ted C. Ziemer, Jr.: Yes, I have received and reviewed agreements with SIGECOM to provide their services to the county and the city in one agreement, and to the Vanderburgh County Health Department in another agreement. Both of those agreements I prepared addenda to those contracts making them more specific to the particular projects that SIGECOM is going to be performing for the city and the county on one hand, and for the Health Department on the other. Those agreements are satisfactory for execution, with the addenda. We recommend them.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Veterans Services

President Musgrave: Mr. Acker?

Mark Acker: Madam President, Commissioner Shetler, Commissioner Nix, I bring forth to you an emergency request order for repair on the Coliseum roof. We have a leak that needs to be repaired immediately. We just did \$2,000 worth of internal repair, and now found that we have an additional leak problem that needs to be taken care of. So, I respectfully request that you appropriate the money for that repair.

President Musgrave: Do we have monies targeted in a particular account that would go for this?

B.J. Farrell: I did talk with Tom Simpson of the State Board of Accounts, he informed me today that if the Commissioners will declare this an emergency, he would not take exception to paying this out of Riverboat Infrastructure.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Mark Acker: Thank you.

President Musgrave: We come now to....are there any other department heads? Last week I skipped somebody. I see no one coming forward.

Board Appointments

President Musgrave: Board appointments. There are several appointments. Commissioners, if you would like to go ahead and make those.

Commissioner Nix: I guess I'll do, can we just do these all wholesale? Domestic and Sexual Violence Commission, Lori Hahn Cornelison; Old Courthouse Foundation, Michael Conati, Stewart Sebree and Lloyd Winnecke; Convention and Visitors Bureau, Michelle Peterlin; HVAC Board, Jeff Schneider, Bob Crow and John Dillingham; the MWBE, Darrell Ragland, Frankye Calloway, and Dan Gardner; Construction and Roofing, Steve Heidorn, John Elpers, and Jeff Hatfield; License and Disciplinary Board, Mr. John Stoll; Electrical, Randy Breivogel, Jerry Goedde and Harvey Kramer. These all expire, except the Old Courthouse Foundation, on 12/31/06. Then the Old Courthouse Foundation expires 12/31 of '08. That is a motion.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

New Business

President Musgrave: New business. Does anyone have any new business?

Old Business

President Musgrave: Old business. Tomorrow we have our first road hearing for district three, Wednesday, January 18th from 5:30 to 7:30 p.m. at the Helfrich Park Middle School. We'll be conducting these largely the way we did last year with taxpayers who have concerns about roads or ditches that need to be repaired or upgraded to come forward at this meeting. The first one is tomorrow, 5:30 to 7:00 at the Helfrich Park Middle School. Also, we need to read out that there is the second urgent need grant public hearing tonight, January 17th, (Inaudible. Microphone not on.) 7:00 p.m. for the Knight Township fire station.

Artwork Unlimited: Old Courthouse Lease

President Musgrave: Artwork Unlimited, Old Courthouse lease. Ms. Farrell, are you (Inaudible. Microphone not on.)?

B.J. Farrell: I can do that, or Mr. Ziemer, whichever you prefer.

Ted C. Ziemer, Jr.: We could do it in unison.

Commissioner Nix: I could jump in there too, I'm sure.

B.J. Farrell: You should. The Old Courthouse Foundation, which I stated earlier, did meet last week. The discussion about Mr. Wolter and his haunted house exhibit in the sub level part of the Old Courthouse was an agenda item that we discussed. The board did take a vote to recommend to the Commissioners, it was a (Inaudible) vote to allow Mr. Wolter to continue to use the Old Courthouse, but there was a suggestion that the language of his contract be revised, that there would be no tolerances for him doing work outside of what he is allowed to do, or he has to stay within the confines of his contract. The day he opens, the day he closes, no electrical work, no changing, nothing can be done to the Old Courthouse without the written or verbal approval of the Commissioners. So, it would be before you today to vote as to whether or not you will allow Mr. Wolter to continue to use the Old Courthouse for another year.

Commissioner Shetler: I guess, the question that I have is, understand that there's been some questions of maybe being able to get access to maintenance areas and certain service areas of the Old Courthouse. I mean, I would just think that there would be some kind of guidelines or rules established underneath the contract there where he's not allowed to, you know, or anyone, anybody that's actually leasing to access certain things that could create a problem for, you know, us as the landlord. So, I just think we need to be real tight on that.

Commissioner Nix: Correct me if I'm wrong, but I believe that's built in to the lease? He's to use only the space that's designated and I think they did a pretty decent job working out all the, making sure the other spaces aren't available. Is that what you're addressing?

Commissioner Shetler: Right.

Commissioner Nix: I guess, one of the concerns that I had early on, when we first started talking about this in the meeting we had with the Old Courthouse Foundation last week, was you start renovation work, that area will be pretty well off limits. The old catacombs is pretty well nothing we would ever do anything with. If we did, it probably would be the last thing that we would work on, if, in fact, there is anything that can be done with that area down there at all. Maybe storage or something. Just something to think about, you know, in the future. There was some conversation in the meeting about Mr. Wolter, and I don't know if he would like to speak to this today. I think maybe working with the Old Courthouse Foundation and have an Old Courthouse Foundation evening, for, maybe one evening, and I don't know, Mr. Wolter, do you want to speak to that?

Phil Wolter: Sure. Hello, folks. Did you have a specific question about that?

Commissioner Nix: There was some conversation in the meeting we had the other day about possibly having an Old Courthouse night, the Foundation (Inaudible. Microphone cutting out.) possibly some people that might be benefactors, or be willing to contribute money maybe to this Foundation at some time down the road (Inaudible. Microphone cutting out.) quite a bit of money to do this. I don't know if you are still in the process, or have had chance.

Phil Wolter: I believe Mrs. Abell brought that up in the meeting, and, sure, we're all for that. I think it would be a great idea. We could add a night in there somewhere, or take one of the existing nights on the schedule, which we haven't really turned in the dates yet this year, but we would be glad to entertain that idea, and maybe, I think you may have mentioned that there be some kind of promotion going with that, and we would certainly pitch in and help out with that, along with that particular night. We would certainly want to discuss what kind of details you had in mind for that night.

Ted C. Ziemer, Jr.: I think we were saying that any revenues from that night would go to the Old Courthouse Foundation.

Phil Wolter: Right.

Ted C. Ziemer, Jr.: We probably, I mean, if this gets approved, would build a provision like that in to the lease.

Phil Wolter: Sure.

President Musgrave: What is the dollar amount of the lease per month or year, whichever figure is handiest?

B.J. Farrell: It's \$7,000 is what we receive from Mr. Wolter.

President Musgrave: Alright.

B.J. Farrell: He pays it one time a year, in October?

Phil Wolter: It's usually the first week in October, uh-huh.

Commissioner Nix: I guess, the lease (Inaudible. Microphone cutting out.) a two purpose lease. One is you use area for storage for the year for supplies and things that you work on (Inaudible), and two is the actual function in October.

Phil Wolter: Right, the actual event. Then, everything leading up to that, the preparation, storage, inventory, constantly working the sets and, you know, rebuilding the whole thing.

President Musgrave: From my point of view, this isn't the direction I want the Old Courthouse to continue to go in. The last administration invested more than \$8 million in structural repairs and upgrading, and I feel that this does not present the image that the building needs in order to be successful in the future. So, I would not, I'm not in favor of continuing the lease. I've also been contacted by a landlord for another haunted house who feels that this is somewhat unfair competition for his outfit, because he's paying taxes on the building that he owns, he's charging, I believe, \$20,000 a year for his tenant to stay there. So, this is government property being leased at a reduced rate, and I really don't feel that this is the appropriate image for the building or the downtown to be projecting the community. So, I personally am not in favor of continuing the lease. But, I understand that I may have a motion here.

Commissioner Nix: I make a motion that we approve.

Commissioner Shetler: I have some of the same concerns that Cheryl has in that I'm not sure, but I hate to react just from my own gut here, and I'm wondering if maybe the best thing for us to do is to get the input from some of the downtown groups and some other folks from around the area that might be able to give us some professional opinion if we are on the right track with this. I agree that this is, probably thinking in terms of this being a haunted house or a catacomb place is probably not what most professional businesses are thinking of locating in to that environment. If that's what we're trying to attract, and if that's our overall direction, then I think this might be counter productive. But, at the same time, I'm not so sure that I'm professionally equipped to make that judgement here and now. I'm just wondering if we shouldn't seek the advice or input from a few other groups before we bring this. So, I guess, my suggestion, at this point, would be to—

President Musgrave: Let him continue on for a month, under his old terms, while—

Commissioner Shetler: —while we seek to get some input here from....will that, could we pro-rate this on a \$600 a month deal?

Ted C. Ziemer, Jr.: I guess, which I may....now, I'm speaking not as County Attorney, but as an appointed member to the Old Courthouse Foundation. We have to act with some fairness to this gentleman. If we're not going to renew the lease, he needs time to acquire another place and make arrangements for his activities for next year. He, of course, wants to know that as soon as he can. Then I would remind the Commissioners that the appointed Courthouse Foundation Board did vote, all but one person, in favor of, so it was unanimous but for one, in favor of continuing the lease for this year. But, obviously—

President Musgrave: Is that an advisory recommendation?

Ted C. Ziemer, Jr.: Of course. It's just a recommendation, but they did meet with him, they considered what he had to say, and that was their recommendation.

Commissioner Nix: Mr. Wolter, in our meeting, was that last week when we met?

Phil Wolter: Last week.

Commissioner Nix: Okay. You'd mentioned, or, I guess, I had asked you at that time was there a drop dead date that you just say that you need to know? I know you said that you need to know as soon as possible.

Phil Wolter: Well, everyday that goes by, you know, when we met last July and we first talked about it, I think had kind of an indication that we would probably know by the end of November. You know, within a month or so, and that was kind of always, you know, the deal that we had with the County Commissioners, of which, you know, I've been leasing now for since 1990, and that was always kind of the unwritten, you know, agreement that if we weren't to come back in we would have, you know, be noticed, be notified by the end of November so we could, you know, acquire and then properly prepare another facility. So, times really running short.

Commissioner Nix: Once again, do you have a drop dead date? Just a, I mean, can you say March 1st or the first week in March would, you know, Commissioner Shetler had mentioned maybe getting some input—

Phil Wolter: Right.

Commissioner Nix: —from some local businesses down in that area and maybe downtown Evansville and see, you know, what their take is on this. I know that you had presented some of that information to us—

Phil Wolter: Sure.

Commissioner Nix: —in our meeting last month. Maybe just to hear it first hand.

Phil Wolter: Well, I mean, if you can allow another month, sure, we'd go for that. We would certainly like to come back in.

Commissioner Nix: If that will work, I'll rescind my motion then.

President Musgrave: I will entertain a different motion then.

Commissioner Shetler: Well, my motion, I guess, would be to bring this back in another month, what would that be, the 15th or whatever the next—

President Musgrave: Okay, motion to table this until February, the second week in February. Do you have a date on that, Madelyn?

Commissioner Shetler: Is it the 14th?

President Musgrave: You have a handy cheat sheet there.

Madelyn Grayson: We meet on February 14th and the 21st.

President Musgrave: Ah, on Valentine's Day. The 21st?

Phil Wolter: Fine.

President Musgrave: Alright, we will–

Ted C. Ziemer, Jr.: That's my birthday.

President Musgrave: Oh, we can't have a meeting that day either. Alright, so we will make a decision on the extension of your lease through the end of the year at that time. Does your motion include allowing him to continue on the same terms–

Commissioner Shetler: Yes.

President Musgrave: –until that time?

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We'll see you then. Thank you.

Phil Wolter: Thank you.

Vectren Presentation Update

Commissioner Musgrave: Last week at our meeting we had Vectren here and, Mr. Shetler, I don't know if you wanted to share the information that we received about Share the Warmth. It was your question about donations to that.

Commissioner Shetler: Ah, yes. I had asked a question on whether or not it was tax deductible. It is tax deductible. That is contributing to the Share the Warmth program that Vectren has set up. Let's see, also there's a handout available that's on-line as well. So, if we go to their website, you can find out exactly who to send it to.

President Musgrave: So, if you want to make a contribution to Share the Warmth, which I believe shares the, gives money to folks who cannot afford to pay their utility bill. That is tax deductible, and you can find out that on Vectren's website.

Public Comment

President Musgrave: At this time, we are now at the public comment item on our agenda. Does anyone have any comments to address to the Commissioners? Ah, I see Ms. Susan Harp of Oak Hill Neighborhood Association. If you'll state your address when you come to the microphone.

Susan Harp: Susan Harp, 2515 Glen Avenue, president of Oak Hill Neighborhood. Last year I came before you because Representative Avery had initiated some

legislation, that was not successful in getting passed last year, about teen night clubs and regulation of the hours and background checks for those people who operate such places. So, that same legislation has been introduced. My husband and I testified before the committee last Wednesday and it passed the house committee. So, now we're waiting. Representative Hinkle from Indianapolis has assured us that it will be placed, very soon, for the house to take a vote. I'm pleased to tell you that Representative Crouch has signed on as a co-author of that bill. So, we put her to work up there when we saw her. So, I will let you know any updates we have on that. I did submit the letter that you sent last year as part of our packet that we gave to them. If it comes to the point that we feel it's necessary, we'll maybe come back and ask for another letter of recommendation.

President Musgrave: Since things can move kind of quickly in the legislature, do you want us to go ahead and authorize that letter today and then we'll give it to you and you'll have it?

Susan Harp: That would be good. That would be good, because it does happen—

Commissioner Nix: They do move quickly?

Susan Harp: Sometimes. I mean, sometimes you don't know from one day to the next what's going to be on the agenda for them. That would be very good.

Commissioner Nix: (Inaudible) something different.

President Musgrave: Well, okay.

Susan Harp: That would be very good, and then that way I can get it to Representative Crouch, and we can get that done.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you for continuing to work on that.

Susan Harp: Thank you.

President Musgrave: Any other public comment?

Consent Items

President Musgrave: Consent items, is there a motion to approve the consent items?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: A motion to adjourn, please?

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:

Cumulative Bridge (1)

Sheriff Office (5)

Coroner (1)

Health Dept. (1)

Public Defender (1)

Auditor (2)

Burdette Park (3)

Knight Assr. (1)

Travel Requests:

Health Department (6)

Commissioners:

Burdette Park-USI Walkway Trail Letters of Support.

Barnes & Thornburg 2006 Federal Lobbying Engagement Letter.

Council Call-Appropriation for Voting Machines.

Tri-State Transportation Letter: Terminating Contract 1/31/06.

Jail Furniture Invoice: Lyon Workspace Products: \$23,771

Auditor:

A/P Vouchers.

Surplus Letter-Metal Storage Cabinet.

County Clerk: Escrow Agreement Payment for Election Equipment.

Treasurer: Surplus Letter-Variou Office Machines.

EMA: Certificates of Appreciation for Tornado Rescue.

Legal Aid: Yearly Report-2005.

Department Head Reports:

Burdette Park

Ozone Officer

Veterans Services

County Engineer

Supt. Of Bldgs.

CIO

County Highway

SWCD

Those in Attendance:

Cheryl Musgrave
Bill Fluty
Madelyn Grayson
Z. Tuley
Susan Harp

Bill Nix
Ted C. Ziemer, Jr.
Jim Farney
Mark Acker
Others Unidentified

Tom Shetler, Jr.
B.J. Farrell
Phil Lawrence
Phil Wolter
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
JANUARY 24, 2006**

The Vanderburgh County Board of Commissioners met in session this 24th day of January, 2006 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 January 24, 2006 meeting of the Board of Commissioners. We'll start with the introductions, and start to my right.

Kathryn Schymik: Kathryn Schymik from the office of the County Attorney.

President Musgrave: Commissioner Cheryl Musgrave.

Commissioner Shetler: Commissioner Tom Shetler.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will now join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the January 17, 2006 Commission Meeting Minutes

President Musgrave: We'll begin with the approval of the prior minutes.

Commissioner Shetler: So moved.

President Musgrave: And I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. That is approved.

**Permission to Open Bids: Burdette Park
VC01-2006: Pavilion Restroom Facility & Splash Park Concession Facility
VC02-2006: Bishea Building Renovations**

President Musgrave: We now have two sets of bids to open. Is there a motion to open the bids?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. She thinks....is it too late? You had until 3:30? Too late, sorry.

Unidentified: Thank you.

President Musgrave: So, you can go ahead and begin opening those.

Attorney Michael Cox: CSX Settlement Agreement

President Musgrave: Next on our agenda is attorney Mike Cox to present the Commissioners with the CSX settlement agreement.

Michael Cox: Good afternoon. Michael Cox, attorney for Vanderburgh County. The settlement agreement between the CSX representatives has been presented to the Commissioners, and I, on behalf of the County am requesting that it be approved. Any questions with regard to that agreement?

President Musgrave: I have no questions?

Commissioner Shetler: I have none.

President Musgrave: Is there a motion?

Commissioner Shetler: I, so moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. Thank you, sir, for your work on this. I know that it involved long negotiations.

Michael Cox: Thank you.

Madelyn Grayson: Mr. Cox, I think they do require your signature, would you care to sign them now?

Michael Cox: I will. Thank you.

**Second/Final Reading: Rezoning Ordinance: VC-2-2006
Petitioner: Evansville Industrial Foundation
Address: 14636 Foundation Avenue
Request: Change form M-2 to Ag
Action: Approved 2-0**

President Musgrave: Is Mr. Brian Williams here today? Okay, we have the second and final reading of rezoning ordinance VC-2-2006. This concerns 14636 Foundation Avenue. The request is to change from M-2, I believe, to agricultural. Are there any speakers here for this matter? And there are no responses to the call for speakers. So, is there a motion?

Commissioner Shetler: So moved.

President Musgrave: Approval?

Commissioner Shetler: For approval, yes.

President Musgrave: I'll second. All those favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

Madelyn Grayson: That requires a roll call vote.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Aye.

President Musgrave: And I vote yes.

USI-Burdette Park Bike Path

President Musgrave: We now come to the USI-Burdette bike path. You'll recall that last week we had a presentation from Jim Farney of Bernardin Lochmueller, and Steve Craig from Burdette Park describing the bike path. Do either of you have any further information today? I know that you have worked and finalized the application for the funding for this, and it contains several recommendations in it. Could you just come and describe for us what the next steps of this process are?

Jim Farney: My name is Jim Farney with Bernardin Lochmueller. As you said, Cheryl, we met last week and discussed the options for building a trail between USI and Burdette. We met after the meeting with you and other members of the Commission and selected a final route. Once we concluded on that route, we re-analyzed the cost of that route, and the cost of that route is estimated to be at \$2,500,000. We also discussed whether or not it would be best to do this in single phase construction or multiple phase construction, and it was decided to, at this time, to pursue it as a single phase project. Therefore, of the two and a half million dollars, if you apply, make an application for a grant for ISTE money, and you're lucky enough to get a million dollars, then the local match for that would be the other million and a half dollars. So, based on that, BLA recommends that you look through the application that's been prepared for the grant, and sign that application, and hope for an award of that grant for a million dollars.

President Musgrave: We met with the Southern Indiana Higher Education leadership—

Jim Farney: Yes.

President Musgrave: —and they were very, very supportive of the project, and are willing to begin the process to deed the right-of-way for the project to begin. So, we'll be looking to begin all the steps that are necessary for that to get underway, at the appropriate time, of course. Are there any questions about the bike path?

Commissioner Shetler: No.

President Musgrave: Do we have a motion to approve the signing of the final document?

Commissioner Shetler: So moved.

President Musgrave: And I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. I would like to thank you and Steve for all the work that you did. I know, were you on the three hour long trek through the woods selecting the path?

Jim Farney: Myself? Yes.

President Musgrave: Yes.

Jim Farney: That was an enjoyable walk, though.

President Musgrave: And it will even be better when you get done with the path.

Jim Farney: It's a beautiful piece of countryside that you're trying to put this across. I think, it will definitely be a very nice amenity for both the campus and Burdette Park. It will serve them both well.

President Musgrave: Thank you for your work, both at the drawing board and in the field, and to you too.

Jim Farney: Thanks.

Southern Indiana Higher Education Indemnity Agreement
--

President Musgrave: In conjunction with the phases and the grant application, we have an indemnity agreement for the Southern Indiana Higher Education board. This has been approved by our County Attorney, and SIHE, as it's known, intends to grant the easement to the county for the right-of-way for the construction and the use of this bicycle-pedestrian trail. This agreement indemnifies them from any harm. Are there any questions? A motion?

Commissioner Shetler: So moved.

President Musgrave: And I will second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. That motion carries.

First/Final Reading of Ordinance CO.01-06-005: Concerning Equal Employment Opportunity & OT/Comp Time
--

President Musgrave: We come now to ordinance 01-06-005 concerning equal employment opportunity and overtime/compensatory time. We will do this in a first and final reading today. Are there any questions, or anyone here to speak to this matter? We need to make a motion to waive the second reading.

Commissioner Shetler: So moved.

President Musgrave: And I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I'm voting yes as well. And is there a motion to pass the ordinance then?

Commissioner Shetler: Yes, so moved.

President Musgrave: And I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

<p>County Engineer: Permission to Award Quote: VC05-12-02: Expansion and Renovation of Co. Eng. Office</p>

President Musgrave: County Engineer, permission to award quotes.

John Stoll: Requesting approval to award the Old Courthouse office renovation contract to Lichtenberger Construction for the amount of \$73,518. They were the low bidder on the project, and this price would include both the base bid and the alternate bid. We plan to split that across two accounts in order to cover the cost of the renovations.

President Musgrave: How long is it expected to take?

John Stoll: Off the top of my head, I don't remember.

President Musgrave: Are there any questions?

Commissioner Shetler: No. Move approval.

President Musgrave: And I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: I hope that it is started soon, completed soon, and that the space is more conducive to the working environment that you need.

John Stoll: We definitely need some more space, that's for sure.

**Prosecutor: STOP Domestic Violence Against Women
Grant Renewal Application**

President Musgrave: We come now to contracts, agreements and leases. The Prosecutor, the STOP Domestic Violence Against Women grant renewal application. Is there anybody here who cares to speak to that? I see no one. Our county attorney has approved this for legal format. The Prosecutor's office provides the local match money, and the funding is in place for the local match money. They will be receiving \$68,000 to work on that. Are there any questions?

Commissioner Shetler: Motion for approval.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

Prosecutor: Victims of Crime Act Grant Renewal Application

President Musgrave: The Prosecutor has another grant application, grant renewal application for the Victims of Crime Act grant. This will run through 2007, and is for \$70,684, with a local match of \$17,671. I'm sure that the funding is in place for that match. Are there any questions? Is there a motion?

Commissioner Shetler: So moved?

President Musgrave: I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

Superintendent of County Buildings

President Musgrave: We are going to come back to the next item on the agenda, resolution in support of Major Moves. Commissioner Nix attended the Major Moves press conference of the Governor, and we are sure that he is on his way. So, he will give us a report, and we will consider taking action at that time. Department head reports, Ms. Farrell?

B.J. Farrell: I have nothing new to report this week.¹

County Engineer

President Musgrave: Mr. Stoll?

John Stoll: I have three change orders on the Lynch Road project. The first one is for an increase of \$7,787.83. This change order resulted from some unforeseen rock that had to be excavated in order to build the roadway. The second change order is an increase of \$3,713.36. This affects the traffic signal at State Road 62

¹Commissioner Nix joined the meeting at approximately 3:50 p.m.

and Lynch in Warrick County. They had to put some back plates on the traffic signal heads, and then INDOT wanted some changeable message signs put out on State Road 62 to warn motorists of the signal becoming in operation. The third change order is an increase of \$97,774.15, and, of that, it's really not an increase, \$82,582.65 is not really an increase to the contract, it's just reallocating a cost from the Vanderburgh County portion of the contract to the Warrick County portion of the contract. That was for the sub-grade treatment. The other items in that change order were; pavement removal at the Old Boonville Highway intersection, and some additional pipe at the Old Boonville Highway intersection. I would request approval of all three change orders.

Commissioner Shetler: Mr. Stoll, this, the actual effect ,though, for Vanderburgh County is only a percentage of that amount?

John Stoll: Yes. The total for Vanderburgh County of these three is about \$23,000, and with there being 80 percent federal funds, 20 percent local, then that could make our percentage as low as, or, I mean, our cost as low as \$4,600. The reason I say not, as low as, I'm not sure exactly how the final figures will play out on our available federal funds. If we exceed the maximum cap of five million dollars for the entire project, then we might have more than an 80/20 split. But, it will be roughly \$4,600, assuming that that 80/20 holds out.

Commissioner Shetler: Is that pro-rated on the number of miles?

John Stoll: The way the contract was set up, it's actually three separate contracts. There was a signal contract in Warrick County, there was the Warrick County road project, and then there was the Vanderburgh County road project. It's just this one particular item for the \$82,000, the entire quantity for the whole job was put in the Vanderburgh County contract, when it should have been split roughly, as you said, based on the mileage, 60 percent to Vanderburgh County and 40 percent to Warrick County.

Commissioner Shetler: Okay. Alright. Thank you. Unless there's any other questions, I'll be happy to make a motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We saw a news article about the Lynch road, does this mean that the road will be opening soon? Or are there further delays?

John Stoll: There is still no set schedule as to when it will open. I spoke to the project manager for Bernardin Lochmueller and Associates yesterday and there are still 89 work days left in the contract. He said that the other items in addition to the railroad signal coordination problem, there were some striping issues, some additional signs, some erosion repairs, some shoulder work, and seeding, sodding, just an assortment of miscellaneous items that still had to be taken care of. At this point, since no work days are charged until April 1st, realistically the number of work days won't go down until sometime at least after April 1st. So, it could extend late spring, summer, just depending on when the contractor gets out there to finish those items.

Commissioner Nix: Has there been any movement with the railroad yet at all on that issue?

John Stoll: I spoke to Warrick County's engineer yesterday, and he said that Norfolk Southern had approved the modifications that Warrick County had requested on that agreement. So, that has been taken care of. In speaking with Bernardin Lochmueller's project manager, he said that there was no schedule as of yet as to when the actual connection between the traffic signal and the railroad signals would take place, but the agreement sounds like it has been hammered out.

Commissioner Shetler: Let me just, and I don't mean to digress, but I am concerned about that policy, and is it a policy that the state, INDOT, has as far as the weather and designating what days and using the calendar versus, you know, degree days or however it's normally done? Or as I've seen it done in the past.

John Stoll: Their specifications specifically say that no work days are charged during December, January, February and March. So, for that four month period, the work days won't change, regardless of how good the weather might be.

Commissioner Shetler: That's a state-wide policy that INDOT has set themselves? That's not based on any kind of scientific data or anything like that?

John Stoll: Right. I'm not sure what the basis for their specification is as far as why they wrote it the way they did, but it is in their standard specs that says that unless, I believe there's a provision, unless the contract specifically calls out something different. So, by default, those four months, no work days are charged.

Commissioner Shetler: Yeah, you know, particularly in southern Indiana, where it's sunshiny most of the time, and good weather, it seems to me that this idea of going on a calendar that also has the same basis of what they're doing up in northern Indiana doesn't really make sense. And it's costly, very costly to the taxpayers of Indiana to allow contractors basically have that kind of free time for those four or five months. I would be interested in knowing who to contact or who to deal with on that so that our voice can be heard down here, because I think it could save the state of Indiana quite a bit of money state-wide. Maybe our legislators is who we need to get with.

John Stoll: I can check and see who on the INDOT side of things might be the correct person to bring that up with. I know they have committees that re-evaluate their specifications. So, I could try and find out who might be the appropriate person to look in to something like that.

Commissioner Shetler: I would appreciate it, because I think, now it's an inconvenience, but it's also a tax savings.

Commissioner Nix: I think the bottom line too, if the weather is good, contractors would rather work, because they've got, you know, they've got fixed costs that just keep right on going; job trailers, and phones and they're typically leasing spaces for offices and all that. So, I mean, it would really be a good thing for the contractors, along with the taxpayers, together, to maybe look at something like that. Especially, like Commissioner Shetler said, on projects in southern Indiana.

John Stoll: Speaking to Bernardin Lochmueller's project manager yesterday, I have not spoken to anybody with E&B Paving, who is the contractor out there, but

Bernardin Lochmueller's inspector basically said that no schedules had been established because they couldn't count on the weather for a prolonged period of time.

President Musgrave: Who did you say has the contract to finish the road? I couldn't hear you.

John Stoll: E&B Paving.

President Musgrave: E&B Paving?

John Stoll: Yes.

President Musgrave: Is there any penalty to E&B if they just went ahead and got what they could get done, done?

John Stoll: No, there's no penalties unless they use all 89 remaining work days. Then the liquidated damages would kick in.

President Musgrave: I see.

Commissioner Nix: Once again, I think it's in their interest to get the project done. It's typical of Eickhoff Road, I mean, they contractually didn't have to finish it until sometime it seemed like early May.

John Stoll: I think they had 28 work days left in their contract.

Commissioner Nix: It really played to their best interest to get the job done. They can get off-site and the whole bit. So, I think it's something we need to look at.

President Musgrave: I agree with you.

John Stoll: I'll see what I can find out.

President Musgrave: Okay, did we...we concluded the vote on that, didn't we? Okay.

John Stoll: That's all I had.

President Musgrave: Alright, thank you.

John Stoll: Thanks.

County Highway

President Musgrave: Mr. Duckworth? He left. I believe he has a request in to file an appropriation. Is that in the consent agenda?

B.J. Farrell: I don't believe so. I think he just had it under his department head report to have a Council Call for a salary line item.

President Musgrave: Why don't we go ahead and vote on that now, if there's a motion.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

County Attorney

President Musgrave: I skipped over the County Attorney, because she was busy opening the bids. Are you ready to report on the city-county transportation agreement and/or the bids.

Kathryn Schymik: I can do both. We completed negotiating the terms of the elderly and handicapped transportation services agreement late yesterday afternoon. I forwarded that to you all for review this morning. I, as far as I know the city is satisfied with the terms of the agreement. Both Ted and I reviewed it, and from a legal standpoint it's sufficient for approval today, if you all choose to do so.

President Musgrave: Could you describe the change in the transportation that's going to take place, what the public would see? I didn't mean to put you on the spot.

Kathryn Schymik: No, that's okay. Ted's more familiar with the terms of this than I am. I just got it yesterday. Basically, the only changes that were made over the course of yesterday afternoon were just providing that if, the contract would continue provided that funding were available from both the city and the county.

President Musgrave: We're basically leaving a private contractor for this service, and we're joining the city's METS service for the elderly and handicapped, is that correct?

Kathryn Schymik: Yes.

President Musgrave: Okay. So, another example, I think, of good cooperative effort to provide a good service to our people in need.

Commissioner Nix: I make a motion that we approve.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That carries. And the bid openings.

Kathryn Schymik: The bids for the restroom facility and splash park were submitted as follows; Deig Brothers, \$325,835; Lichtenberger Construction, \$292,973; ARC Construction, \$319,900; Wink Construction, \$283,538; ECI Construction, \$258,800; and Key Construction, \$274,130.

VC01-2006: Burdette Pavilion Restroom Facility & Splash Park Concessions

Company Name	Bid Amount
Deig Brothers	\$325,835.00
Lichtenberger Construction	\$292,973.00
ARC Construction	\$319,900.00
Wink Construction	\$283,538.00
ECI Construction	\$258,800.00
Key Construction	\$274,130.00

President Musgrave: Is there a motion to take them under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Kathryn Schymik: Secondly, the Bishea Building renovation project. Deig Brothers, \$64,629; Lichtenberger Construction, \$61,184; ARC Construction, \$63,200; Wink Construction, \$53,350; ECI Construction, \$78,500; and Key Construction, \$68,900.

VC02-2006: Bishea Building Renovations

Company Name	Bid Amount
Deig Brothers	\$64,629.00
Lichtenberger Construction	\$61,184.00
ARC Construction	\$63,200.00
Wink Construction	\$53,350.00
ECI Construction	\$78,500.00
Key Construction	\$68,900.00

President Musgrave: Is there a motion?

Commissioner Nix: Motion to take those under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Any further items to report?

Kathryn Schymik: That's all I have.

President Musgrave: Did I skip over any department heads who needed to make any reports?

Board Appointments

President Musgrave: We move then now to board appointments. The Library Board and SWIRDC, Southwestern Indiana Regional Development Commission. For, would you like to make the motion?

Commissioner Nix: Sure, I would like to nominate, make a motion to approve Joshua Claybourn for the Library Board, and Randy Kron for Southwestern Indiana Regional Development Corporation.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Is there any new business? This might be a good time to go back to the resolution in support of Major Moves.

Resolution CO.R-01-06-003: To Declare Formal Support for the Major Moves Initiative to Create I-69

Commissioner Nix: I guess, that was read by Commissioner Shetler?

President Musgrave: We haven't read it yet.

Commissioner Nix: Okay. There was a press conference today at 3:00 at Tri-State Aero, and that's the reason for my lateness. Governor Daniels kind of mapped out the Major Moves program for Indiana, and it's rather complicated. It's a 200 page document that he brought along, but he asked that this community, along with the House give support in this and get this moving forward. I guess, just a couple of comments that he made were, and I don't want to speak for the Governor, but that if we don't do this now, it may be a long, long time before we have this opportunity again. I think it's important that we move ahead with this. I know they're some people that aren't necessarily in favor with the toll road, but that was addressed out there. He sees that this is the only way to get this done. So, I guess, at that time I will read this resolution. This is a resolution to declare formal support for the Major Moves initiative to create I-69. This is resolution number CO.R-01-06-003.

"WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, ("Board") met in public session on January 24, 2006 and discussed the "Major Moves" program proposed by Governor Mitchell E. Daniels, Jr. , and the proposed funding sources for such, to include the construction of I-69 and local road improvements; WHEREAS, Governor Mitchell E. Daniels, Jr., has proposed an initiative titled "Major Moves" that aspires to establish Indiana as the "Nation's logistics and

distribution capital” by creating a fully funded ten-year transportation plan that will see to enhance southwestern Indiana and establish a modern I-69 toll road. The Major Moves proposal also included three major road improvements in Vanderburgh County: US 41 at the Lloyd, US 41 at SR 66 to SR 57, and SR 66 at Burkhardt Road, which totals more than \$88 million; WHEREAS, no reasonable alternate has been put forth that creates this vital link between Vanderburgh County and destinations throughout Indiana and the United States for commerce and leisure without significant delay. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS: SECTION 1. The Board hereby finds that completion of the I-69 project is desirable, serves as a public purpose, and is of benefit to the health or general welfare of the county. The Board hereby expresses its support for completion of the Project in a manner such as proposed in the Major Moves initiative. SECTION 2. The Board would prefer an option which does not result in I-69 being a tolled roadway. However, the Board supports such an option if a tolled roadway is necessary in order to complete this project in a timely manner. SECTION 3. This Resolution constitutes an expression of support to the Legislature and the Governor for completion of the I-69 project and the State Road improvements as described in this resolution. SECTION 4. This Resolution shall be in full force and effect upon adoption. SECTION 5. This Resolution shall be included within the records of the Board, shall be circulated to Indiana State Senators and Representatives serving Vanderburgh County, and shall be submitted to the office of the Governor.”

After signing this, passed and adopted on the 24th day of January, 2006 by the Board of Commissioners of Vanderburgh County.

President Musgrave: That’s a motion?

Commissioner Nix: That is a motion.

Commissioner Shetler: And I’ll second.

President Musgrave: And I’ll call for the vote. All those in favor?

All Commissioners: Aye.

President Musgrave: I’m really proud to support this. I read the Major Moves proposal when it came out a few weeks ago, and I’ve thought about it and attended an INDOT session, I believe it was last week, where Commissioner Sharp was there to explain the various parts of the funding mechanisms and the plans that were in place. I find it extremely impressive that they have come up with this very creative solution to a very difficult problem that Indiana was facing. How to get road improvements when the state is just back from the edge of bankruptcy, and facing a two billion dollar deficit in, I believe, the ten years of projects that we had on the books, let alone starting I-69. I am truly impressed by the thought, effort and creativity that went in to this package. I hope that this means that they can start I-69 right after they get done with all the permitting process, which I’ve been told is soon. Are there any other comments?

Commissioner Shetler: Yeah, I too, I feel like it's a great opportunity for Vanderburgh County. When you stop and think about it, I mean, one of the major comments that's often made is that this isn't going to be done in my lifetime. I won't see it happen. But, when you stop and think about it, this may very well be done in Mitch Daniels lifetime as Governor. So, you know, I'm excited about that, knowing that we're really looking at something that's within six years of being pretty well completed, perhaps. If, you know, we get on the ball on this. The other thing that I would like to address is the idea of a lot of people being fearful that perhaps that if this is privatized or something and having foreign people being involved in that contract. I don't mean this to be a flippant comment, but or anything of that nature, but, you know, there's some assurance that when foreign people own things in this country, that you don't have to worry about them coming in here and destroying that at some later date. I feel a little bit comfortable about the fact that they do own different parts, and have a strong investment in our country, as well as our people in their countries. I think that's all part of the globalization of an economy today that we're seeing. I'm impressed that our Governor is taking a giant step forward in bringing the transportation to our community.

President Musgrave: One of the important points that Commissioner Sharp made sure that we all understood was that the foreign investment will not include ownership of the road itself. That what they are buying is the rights to collect tolls, and, of course, they're also taking on obligations to maintain that road up to a contractual set of standards. But, the property itself will always remain in the hands of the citizens of Indiana. I was really pleased to hear that the road also has a bike path for the entire length of it. So, what could be better, a new highway to Indianapolis that you can drive on, or you can, if you are so inclined, ride your bike on the bike path that's also going to be next to it. So, I'm looking forward to this project. I have high hopes. I hope they get started tomorrow, and start in Vanderburgh County and work their way north.

New Business

President Musgrave: New business? Was there any new business?

Commissioner Nix: I have none.

President Musgrave: None?

Old Business

President Musgrave: Old business?

Public Comment

President Musgrave: Is there public comment on a subject for which the Commissioners have control? I see none.

Consent Items

President Musgrave: Consent items. Is there a motion to approve the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there 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 4:00 p.m.)

CONSENT ITEMS:

Employment Changes:

Prosecutor (2)	Sheriff's Office (7)	VCCC (2)
PTABOA (1)	County Clerk (2)	

Travel Requests:

Health Department (1)	Weights & Measures (1)	Surveyor (2)
-----------------------	------------------------	--------------

County Clerk: Surplus letter: desks.

Commissioners:

Zierner Stayman Weitzel & Shoulders 2006 County Attorney Contract.
Department Head meeting notes for January 17, 2006.

Treasurer: Monthly report: December 2005.

Election Office: Surplus letter: computers.

Health Department: Surplus letter: table and chairs.

Legal Aid: 2005 Annual Statistics.

Weights & Measures: Monthly report: December 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
John Stoll

Bill Nix
Kathryn Schymik
Michael Cox
Others Unidentified

Tom Shetler, Jr.
B.J. Farrell
Jim Farney
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
FEBRUARY 7, 2006**

The Vanderburgh County Board of Commissioners met in session this 7th day of February, 2006 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 February 7th meeting of the Board of Commissioners of Vanderburgh County. If you'll please join me in the....oh, I'm sorry. I got ahead of myself. Introductions?

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Now, would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of January 24, 2006 Commission Meeting Minutes

President Musgrave: We have the approval of the prior minutes. Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Gene Grigsby: Veterans Council

President Musgrave: Our first action is to welcome Mr. Gene Grigsby of the Veterans Council. Mr. Grigsby?

Gene Grigsby: Thank you, Ma'am. I'm very glad that you let me come up here and speak a little bit today. I am from the Veterans Council here in Evansville. I'm the adjutant there, and also the commandant of the Marine Corp League there. I do have a few certificates that I would like to give out, if you don't mind.

President Musgrave: It would be our pleasure and an honor.

Gene Grigsby: And plaques, so, I'll just come forward, if that's alright with you. This was in recognition to certify that President Cheryl Musgrave has made a generous contribution to the Council of Veterans organization of Vanderburgh County, and there's one. This is a Marine Corp League certificate of appreciation, presented to Cheryl Musgrave.

President Musgrave: Thank you very much. This is very nice.

Gene Grigsby: I've got some more. Here's a plaque. I don't know, I might as well take it out. One of them anyway.

President Musgrave: Oh, how beautiful. It says." Freedom. A state of mind and a way of life."

Gene Grigsby: Do you want to wrap that up?

President Musgrave: Thank you very much.

Gene Grigsby: Commissioner, Bill Nix. You have the same thing here, sir.

Commissioner Nix: Thank you.

Gene Grigsby: Your certificates are here. And you also have a plaque.

Commissioner Nix: Thank you, sir.

Gene Grigsby: Yes, sir. And, Tom Shetler, you have the same thing, sir.

Commissioner Shetler: Thank you very much.

Gene Grigsby: I sure appreciate it.

Commissioner Shetler: Alright, thank you.

Gene Grigsby: What you did for this funeral is what it was about. It was great. Thank you very much.

President Musgrave: It was a pleasure and an honor to do that.

Commissioner Nix: We appreciate it. Thank you.

President Musgrave: Thank you for coming, Mr. Grigsby. I really appreciate these, and I will hang them in my office, with pride.

Torian Hofmann Dillow & Flittner: 2006 Insurance Update
--

President Musgrave: Next on our agenda is Torian Hofmann and Dillow to give us the yearly update on our insurance policies. We welcome Bob Dillow and Greg Hofmann.

Bob Dillow: Thank you very much. I have the pleasure of making the presentation. Greg is right to my right to catch me on any mistakes I might make while doing this. This is a good year for the insurance. Our purpose today is just to give you a brief of the overview of the primary insurance policy that renews in February of every year. The insurance will continue to be placed through Alternative Market Specialists. They've been the county's insurer for approximately 20 years. Over the last three years property values have increased from 2004 at \$116,895,740, to the 2006 number of \$164,429,920. Largely because of just increases of cost of construction, plus, of course, the new jail. Payrolls for rating purposes have been increased three percent. The good news is, even with the operation of the new, larger jail, the increased property values, and the increased payrolls, the overall premiums, since we've started handling your insurance in 2004, have dropped approximately \$50,000. This was done this year by a competitive bid process, as we promised to you that we would do. We found the companies that claimed to be competitive in municipal insurance, worked with those companies, got competitive bids, worked with the existing company to make sure that they were going to provide the best price for the coverage of the companies involved, and they were quite willing to do so. So, again, this is a good news report today to the county. Every year you pay an outside auditor, the gentleman's name is Ken Bush, from Insurance Audit and Inspection, to audit us, the insurance policies and our procedures. We just today got a copy of his recent report. We're reporting that to you to let you know that we take that report, send a copy of it to the insurance company, work very proactively to try to answer his questions and concerns. Last year one of his main topics of concern was eliminating something called uninsured motorist coverage as a redundant, unnecessary coverage for county government. That was done so, or that was done this year, and it helped reduce some of your premiums. So, Greg has been very instrumental in reading that report, and will be the person in our firm that will spearhead that process over the next few months, as we review the newest recommendations to try to see what can be accomplished in what he's asking. We, this year, eliminated an exclusion that we found in the policy regarding domestic terrorism. The county has always had insurance coverage for foreign terrorism, but not domestic. This year that exclusion was eliminated, so, you do have full coverage this year for both domestic and foreign terrorism. Then, lastly, the claims paying organization that handles and administers all of your claims is Alternative Service Concepts. Also through a bidding process it was determined that we can continue to use them. Their deposit premium for 2005 was \$72,812, in 2006 it's \$67,408. So, they dropped their deposit fees by \$5,404. That's in addition to the other monies that I already mentioned as a savings. So, again, from an insurance standpoint, even with the increased exposures in the county, this is a very good year. With that, do you have any questions?

President Musgrave: Just to clarify, I didn't write the figures down, but I think you said we're buying about \$50 million worth of, more of insurance—

Bob Dillow: That is correct. From 2004 renewal year to 2006 it's just a couple of hundred dollars shy of \$50 million more coverage.

President Musgrave: And we're paying \$50,000 less?

Bob Dillow: During that same period, that is correct.

President Musgrave: That sounds just wonderful. Thank you for the work and the effort that you did to increase our coverage and to save us money at the same time. I do appreciate that. Is there, are there any other questions?

Commissioner Shetler: Just a comment, that I've worked closely with Mr. Dillow and Mr. Hofmann over the last couple of months, and they've done an outstanding job. In private business we aren't seeing those kind of decreases in our insurance rates, I can assure you. So, for what they're doing for us in the county, I think it's exceptional. I think they are to be applauded for the efforts that they've put forward. Congratulations, thank you.

President Musgrave: Thank you.

Bob Dillow: We both thank you.

President Musgrave: Thank you for coming.

Region 14 Public Safety Communications Plan of the FCC

President Musgrave: Next on our agenda is region 14 public safety communications plan, but that has been moved to the February 22nd meeting. So, we will hear that request at that time. Earthquake preparedness week proclamation. Is Mr. Greer here?

Commissioner Nix: Madam President? Is that date correct? The 22nd?

President Musgrave: I don't know if it's correct or not, but that's what my notes are.

Commissioner Nix: You might want to—

B.J. Farrell: That's what the request was when I checked the calendar.

Madelyn Grayson: Tuesday is the 21st.

President Musgrave: Let's make it the 21st.

Commissioner Nix: Thank you.

President Musgrave: Unless you would like to hold a special meeting on the 22nd?

Commissioner Nix: I don't think we need to do that.

President Musgrave: Alright. Mr. Greer?

Earthquake Preparedness Week Proclamation

Sherman Greer: Just to let you know that this is earthquake awareness, or earthquake preparedness and awareness week. We used to do this in November, but as you know, this last November we were kind of busy. Now we've gotten on to the schedule of having earthquake awareness week with the states of Tennessee, Missouri, Illinois and Kentucky. This way it's not fragmented all over the place, we're all doing the same thing about the same time of the year. So, that's where we're going to try to target to keep it, within the month of February. But, we would appreciate it if the County Commissioners would recognize that with a proclamation.

President Musgrave: Be happy to recognize it with a proclamation. What should people do during earthquake preparedness week?

Sherman Greer: Well, what we would like for people to do is to maybe look around their homes and try to maybe make themselves more aware of things within their homes. We're not concerned about an earthquake just opening fissures up and people falling in to them and different things like that on the movie, Earthquake, that Charlton Heston was in years ago and everything. But, we're concerned about and where people get hurt at home is having things that could topple over on top of them if we do have an earthquake of a 5.0 or above that could cause them problems. Also, they need to be able to walk around their houses on the outside and be able to look at those and see whether or not that there's been any structural damage if we do have an earthquake. Now starting this year, on January the 2nd, in the morning we had severe thunderstorms to roll through here, and at 3:45 we had an earthquake. So, what's this year going to bring us and everything? But, still yet, we want people to be aware of their surroundings in their homes, and then put together a disaster supply kit. Not an earthquake supply kit, a disaster supply kit that can be used for any emergency or disaster situation that we may have. That's where you have your flashlights and your batteries, your blankets, you know, all those different type things that should be kept in an area to where that if you have to leave and go with them, you've got them to be able to go. If you want more information about that, then you can get in touch with the American Red Cross or the Emergency Management Agency, and we can give you a list of those things that needs to go in to that disaster supply kit.

President Musgrave: What's your number? And do you have a website?

Sherman Greer: Yes, well, we have a, our number is 435-6020. The Red Cross' number is 471-7200, and our website is through the city. Just go to the city website and county website and go down to the Emergency Management Agency.

President Musgrave: And that's vanderburghgov.org, I believe?

Sherman Greer: Uh-huh, vanderburghcountygov.

President Musgrave: Alright, is there a motion to declare this earthquake preparedness week?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you.

Sherman Greer: Thank you.

President Musgrave: I hope that your prediction regarding the lack of earthquakes is going to come true. Particularly the one with fissures. I don't want any of those.

Sherman Greer: I hope not.

Burdette Park: Award Bids
VC01-2006: Pavilion Restroom Facility & Splash Park Concessions
VC02-2006: Bishea Building Renovations

President Musgrave: Burdette Park, permission to award VC01-2006 and VC02-2006. Mr. Steve Craig?

Steve Craig: Steve Craig, Manager of Burdette. I would like to receive permission to award VC01-2006, pavilion restroom facility and splash park concession. The low bid on that was by ECI Construction.

Commissioner Nix: What was the dollar amount on that?

Steve Craig: \$258,800.

Ted C. Ziemer, Jr.: The contract says \$263,400.

Steve Craig: That probably has to do with the alternate one and three being added to it.

Commissioner Nix: Okay, so, it's—

Ted C. Ziemer, Jr.: \$263,400.

Commissioner Nix: We did accept alternates one and two? Or one and three?

Ted C. Ziemer, Jr.: It's the base bid plus alternate one, minus alternate three.

Commissioner Nix: Okay, less alternate three. So moved.

Steve Craig: And I would like to receive permission--

President Musgrave: Hang on. Hold on. Is there a second to the motion?

Commissioner Shetler: Second.

President Musgrave: We have a motion and a second. All those in favor?

Commissioners: Aye.

President Musgrave: Motion to award the bid to ECI.

Steve Craig: Okay, then I would like to receive permission to award VC02-2006, the Bishea building renovation. The low bidder on that was Wink Construction. The dollar amount on it was \$53,350.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. When do you expect those contracts to begin and be completed?

Steve Craig: I expect them to begin immediately. The Bishea building, we would like to see it done within 60 days, because we do have rentals coming up. The other ones need to be done before this spring where we will be able to open up for the pool.

President Musgrave: Okay, we'll look forward to cutting a ribbon, having a grand opening, or at least a tour. So, let us know when they are done.

Ted C. Ziemer, Jr.: Madam President? What you've done is award the bids, but you need to also have a motion to approve the contracts, and we have contracts in the file, which our office reviewed and revised, and they are satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. I think you're all set.

Steve Craig: Okay. Thank you very much.

President Musgrave: Thank you.

McCarter and Associates: Extension of Consulting Services Agreement
--

President Musgrave: Contracts, agreements and leases. We have several contracts. Is anyone here from the County Assessor's office? Would you like to make a motion on this contract which is to just extend the consulting services of our long term commitment.

Commissioner Nix: That's what we were e-mailed, I guess? We got quite a few of them today.

Ted C. Ziemer, Jr.: That's correct.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Premis Consulting Group Contract

President Musgrave: Premis Consulting Group contract. Is there anyone here to speak to this? I see the county CIO, Matt Arvay.

Matt Arvay: Thank you. Matt Arvay, Chief Information Officer. The Premis Consulting contract is a group that I've identified that has experience in assisting with RFP development. The individuals that I would be working with in this development have experience in the city of Chicago and Indianapolis in Marion County. This would be for the development of the computer services RFP. The proposal is for \$20,755, which would be split 50/50 between the city and county.

President Musgrave: And are funds in place for that?

Matt Arvay: Yes, they are.

President Musgrave: Okay, motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

ISI Maintenance Agreement

Matt Arvay: Would you like to do the second contract while I'm up?

President Musgrave: Yes, which one is that? ISI?

Matt Arvay: The second contract is the ISI maintenance agreement. This contract is just basically a renewal of the original contract. That was a three year deal that expired at the end of last year. This new contract is a two year maintenance agreement. There was a slight increase from \$19,600 to \$23,160. That's because the previous three years there was no increase, but we were able to get five additional days of on-site support, which we use every year. So, we are getting something for the maintenance increase costs. This is also a budgeted item, in the IT budget.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Matt Arvay: Thank you.

President Musgrave: Thank you, sir.

YMCA Agreement

President Musgrave: County Commissioners, the YMCA agreement. I understand this is the annual renewal with a very slight increase for membership to county employees who choose to sign up for this service.

Commissioner Shetler: And this is an optional thing for our employees?

President Musgrave: Yes.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Mulberry Center: Employee Assistance Services Agreement
--

President Musgrave: The employee assistance services agreement is for mental health services. I believe we've had this contract with this vendor for many years.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Youth Resources Agreement
Midwest X-ray Agreement: Health Department
STOP Grant Renewal: Sheriff Department
IKON Lease Agreement: Purdue Co-Op Extension**

President Musgrave: The Youth Resources agreement. I'm not sure if we can do these as a group. Commissioners, do you feel that we could do Youth Resources, Midwest X-ray, the STOP grant renewal and the IKON lease agreement as a group?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**First/Final Reading of Ordinance CO.02-06-006
Amending Equal Employment Opportunity Ordinance**

President Musgrave: We come now to the amendment of ordinance number 01-06-006. Mr. Ziemer?

Ted C. Ziemer, Jr.: This is just a further amendment to, wait a minute I've got to get down here, because you did several contracts all at the same time. I have mine in order. By the way, when you asked to do the Purdue Co-op was that included?

President Musgrave: I do not see that on my list.

Commissioner Nix: I think that's the IKON lease.

President Musgrave: Oh, that's Purdue. Yes, we did that.

Ted C. Ziemer, Jr.: Okay. Ordinance number 2.90.015 was previously amended and failed to amend one paragraph of the ordinance that we intended to. So, this additional amendment today is correcting that. It's designed to be approved on one reading, if you unanimously vote to waive second reading.

President Musgrave: Is there a motion to waive second reading?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. The motion carries. Is there a motion to pass the ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And the motion carries.

Vision-e Grant Agreement

President Musgrave: I inadvertently skipped the Vision-e agreement. Commissioner Shetler?

Commissioner Shetler: The, there's some discussion that's been going on for some time on Vision-e, and that is to look towards some regional development, as opposed to just Vanderburgh County in itself. There's good prospects that this may come to fruition sometime during the next few months. If that would be the case, I've been assured that that money that we would contribute will be credited and go towards that regional Vision-e type program, as opposed to just staying within the Vanderburgh County operation. So, I wanted to point that out. We're, the \$150,000 that we are allocating is the same that we've given for the past several years to Vision-e, but if a new entity is formed, it will get credited towards that new entity.

President Musgrave: Is that a motion?

Commissioner Shetler: So moved.

Commissioner Nix: 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: The first item that I have is a request for plan approval for the left turn lane at the Lynch Road and Cullen Avenue intersection, and also the traffic signal plan for the Lynch Road and Cullen Avenue intersection. The request for approval of the plans is subject to the developer following all applicable provisions of the settlement agreement that you had signed on January 10, 2006, and that the developer must obtain approval from the Area Plan Commission to remove his right turn only restriction from his plat approval for Heritage Park Subdivision, and that all work must be done in accordance with INDOT specifications. That's referenced on the plans, but I just wanted to reiterate that here. Subject to those conditions, it's requested the plans be approved.

President Musgrave: Is there a motion to approve, subject to the conditions outlined by County Engineer Stoll?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Also, I needed to request approval to go to County Council to get an appropriation of \$50,000 in account number 2030-4412, which is Old State Bridge number 1583. This is the bridge rehab project that Bernardin Lochmueller and Associates is currently designing. They've given us a preliminary cost estimate, and we need these additional funds in order to put the project out for bid. The plan right now is to solicit the bids in May, and then have construction done during the summer, because it will require road closure.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

John Stoll: That's all I have, unless you have questions.

President Musgrave: No. Thank you.

John Stoll: Thanks.

President Musgrave: Mr. Craig, have we covered all the items on your? Okay. Mr. Duckworth? I see no one. Mrs. Farrell?

Superintendent of County Buildings

B.J. Farrell: I do have Mike Duckworth's late travel request, asking that they be given permission to go to Jasper, Indiana tomorrow. I would like to pass that down please.

President Musgrave: Is that to be put in an amendment to the consent agenda?

B.J. Farrell: Yes, thank you.

President Musgrave: Is there a motion to amend the consent agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Attorney

President Musgrave: County Attorney?

Ted C. Ziemer, Jr.: We've covered all of my report.

President Musgrave: Okay, are there any other department heads I may have overlooked? I see none.

Board Appointments

President Musgrave: We move to board appointments. SWIRDC, is there a motion to appoint Warrick County Commissioner, Carl Conner. We inadvertently appointed Randy Kron, and we need to rescind that, and re-appoint Lu Porter.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The Board of Health, is there a motion to re-appoint Catherine Engel?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

New Business

President Musgrave: New business? We come now to the request of the Daviess County Commissioner, Steve Myers, the time zone request. I didn't particularly want to open any can of worms, but I did promise Commissioner Myers that I would bring this request to your attention. He is concerned about the Crane base and the switch to Central time that has recently been ordered, I guess, by the federal government, or the state of Indiana, or both of them. Apparently, Crane is having second thoughts about the desire to go to being in a different time zone than their counties to the north. They have a lot of employees who drive in, and they do a lot of business with other counties, and they are looking to fight the switch to the new time zone. In Commissioner Myers discussions he called the Governor's office, and the Governor suggested that if Vanderburgh County, the Governor's office suggested that if Vanderburgh County were to switch time zones to Eastern to be like the rest of the state, that probably the entire southwest district would then switch time zones as well, since, I guess, Vanderburgh County is the leader among the counties down here. So, he respectfully asked me, and I pass along his request to you, that we consider moving to Eastern so that the entire southwest district would hopefully move in that direction as well.

Commissioner Nix: And I don't want to beat a dead dog here, a dead horse here either, but, you know, the bottom line is we've talked about this for quite some time now, and we've had a lot of discussion about it even before Commissioner Shetler was even on board, public meetings, and I just don't think there's an interest from people around here to go to New York time, if you will. I think that we live in the Midwest, and I think, for the most part, that people think that we need to stay on this time zone. Until I'm proven different, I personally feel that's the best thing for this community. You know, I get that from, you know, from all the conversations we've had with people. You know, in the 14 months that I've been in office, I would say that 95 percent of the people that you talk to want to stay in this time zone. So, I think we need to stay there.

Commissioner Shetler: I guess, my reaction is, not on my watch.

President Musgrave: And my reaction is, first of all, I can't remember if this legislation is still moving, but the state legislature is considering a statewide referendum on the topic, and that if they indeed choose to do that, we ought to wait and see how that referendum turns out. But, I will say that in having to travel to Indianapolis a lot, I always welcome the season when we were on the same time. And we are never going to be on the same time with Indianapolis again, and I regret that. So, if I had my druthers, the rest of the state would join us in our time zone, because I agree with you, I like our time, but I really do not appreciate the fact that we are not all on the same time.

Commissioner Shetler: You know, I couldn't agree more. Of course, we're in a national business of transportation, but we have found that being in Central or Mountain time is the most cost effective for us, because we can deal with people on the east coast and only be an hour away, and people on the west coast and only be two hours off the beaten path. So, when you go to one of the extremes or the other, you're dealing with a three hour spread. It's difficult and costly. So, my advice would be for the rest of the state to join hands with us down here where it's a lot more efficient. But, you know, again, traveling across the state, it is difficult. It's challenging when you have neighboring counties that are not on the same time that we are. But, nonetheless, I would have a real difficult time considering it, for us to make that change to New York time.

President Musgrave: Well, I will let Commissioner Myers know the sentiments expressed here today, and wish him luck in his difficulties with Crane. We move now to the SIHE indemnity survey. I don't think that this contract is ready to go yet, and I think we'll see this next week. Basically SIHE has indicated verbally that they are willing to let the county get started on the process of drawing up the legal descriptions in order to transfer the right-of-way for the Burdette-USI bike path to the county so that construction could proceed when we get our grant. So, we'll see that next week.

Ted C. Ziemer, Jr.: Excuse me. I mean, my information was they verbally agreed so that we could go forward. Is somebody requiring a written agreement?

President Musgrave: We'll have to have an agreement with the engineer's to go out on the—

Ted C. Ziemer, Jr.: Oh, well, I don't have any information on that then, John, as to who they would be and so forth.

John Stoll: I got a draft agreement yesterday. You may not have seen it yet. I e-mailed it to you late yesterday, but it was just a boilerplate agreement with the standard language for the insurance. So, I suspect it was okay from your end, but the full agreement that I just received during the department head meeting earlier, so, I haven't discussed it with any of you as of yet. So, hopefully, we'll have it ready to go by next week.

President Musgrave: Recognition of Senate Resolution Two. We received a resolution, if you could pass that down here. The Indiana Senate followed suit with the Indiana House and has published Senate Resolution Two, which expresses

memorialization of the individuals who lost their lives and to honor the individuals and communities affected by the tornado and severe storms in southwestern Indiana on November 6th. The letter goes on to say that the members of the Indiana Senate also express our sympathy to those who lost their loved one and our appreciation for the many volunteers who were there to assist during this disaster. They offer their assistance, and the letter is signed by Richard D. Young, Jr., the minority leader of the Indiana Senate, and they gave several nice pages and copies of all the signatures. So, I wanted to recognize the Indiana Senate for taking the time to express their sympathy with the victims of the tornado on November 6th. We have, we move now to old business. Well, is there another?

Commissioner Shetler: Yeah, I do have an item to add to the new business. That's basically a request for Mr. Ziemer. If we could, I guess, draft an ordinance that would up the...currently the burial fees that we have for the veterans is \$100. State law changed on that where you can go up to \$1,000. My recommendation would be that we look at going to \$250 next year, and then a \$50 increase in subsequent years that would eventually get that up to something in the neighborhood closer to \$500. Also, to look at anyone who is killed in the act, in action, while on duty, that they would receive the maximum of \$1,000 burial. Now, I understand that there's been a question that's come up before in regards to the present ordinance that has to do with spouses and how that's all dealt with. I don't know if we have an answer to that yet, but, I guess, that's the time we should answer, get that all taken care of.

Ted C. Ziemer, Jr.: That's covered by the state statute. We can't vary that by our ordinance.

Commissioner Shetler: Right.

President Musgrave: We would like to clarify whether the veteran and the spouse, or the veteran or the spouse?

Ted C. Ziemer, Jr.: We've already researched that, and it's one or the other under the state statute.

President Musgrave: Alright.

Commissioner Shetler: Okay. Thank you.

Old Business

President Musgrave: Old business? We received the Knight Township grant application. A very impressive three ring binder with a number of photographs of the tragedy, the aftermath of the tragedy. We have been assured that we will hear the results of the application shortly. In fact, we were told we might have even gotten a phone call today. We did not receive the phone call, but the application has been officially presented to the state, and we are waiting, by the phone, for our call as to whether we've received that. Teen night club letter, Susan Harp from Oak Hill Neighborhood Association?

Susan Harp: Hi, Susan Harp, president of Oak Hill Neighborhood. I'm glad to come back before you this afternoon to tell you that on January 26th that the House Bill

1020, which is the teen club regulation bill, passed the House with a 95-0 unanimous vote. There were a few people absent, but it still passed unanimously. So, we're real thrilled. It has been assigned to the Senate. The sponsors are Vaneta Becker and John Broden. Now, it goes before a Senate committee tomorrow at 1:30. I've heard that there should be no problem with it passing there, and then it will go before the regular Senate. I would like to ask, that we had talked about maybe sending another letter, since the Senators have not really heard from us, and even though they see the packet, it would be nice if we could send a letter to Senator Becker and Senator Broden.

President Musgrave: Okay.

Susan Harp: And maybe Senator Lutz, since he's from our area, and he is on the Government Affairs Committee.

President Musgrave: Alright, if we get this letter to you this evening, are you planning to attend?

Susan Harp: No, we won't be going tomorrow. They didn't feel that it was necessary that we go before the Senate committee.

President Musgrave: Well, maybe we can fax it.

Susan Harp: Fax it to them tomorrow morning. Yes, that would be great. Then Senator Becker could have that as she goes and presents that.

President Musgrave: Alright.

Susan Harp: That would be great. Then we'll keep you posted.

President Musgrave: Is there a motion to approve the letter to the three Senators and distribution to other Senators?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you for following this.

Susan Harp: Thank you.

President Musgrave: And I think it's terrific legislation, and I know that it came out of your community police officer report—

Susan Harp: Right.

President Musgrave: –your Oak Hill Neighborhood Association one night where she...what is her name?

Susan Harp: Debbie Williams. She's Detective Debbie Williams now. We just met her in the hallway, and I told her she should come with me, but she had other things that she had to do. But, it did come out of this, and it's expanded to where it's all over the whole state. So, people know it, and we're working right now with thinking, of course, we're doing it, we'll have to do something with the city and the county both, but talking with Chief Deputy Eric Williams, he's on Youth Resources and, you know, we need to get people in the law enforcement and dealing with youth to come together when we propose ordinances to get input from everyone.

President Musgrave: I appreciate it, and I know that this ordinance will make it safer for young people in our community to go to a teen night club.

Susan Harp: So, we're one step closer. Thank you.

Commissioner Nix: Thank you, Susan.

Commissioner Shetler: Thank you.

Public Comment

President Musgrave: We come to the public comment on our agenda. Is there anyone here with a comment relating to Commissioner authority or business? I see no one.

District Road Hearings Update

Commissioner Nix: I do have one thing on old business. I'm sorry.

President Musgrave: Okay.

Commissioner Nix: I will have, or we will have another road hearing on Wednesday the 15th at Plaza School at 5:30. That is in district one, but we invite people from all three districts to show up and give us your input on paving projects and anything to do with county roads, road projects. I guess, if, I guess we probably need to leave it at that, but we welcome you to come out to that. It will be in the cafeteria at Plaza School at 5:30 on the 15th.

President Musgrave: We look forward to seeing you there. Is there any other?

Commissioner Shetler: And we have one scheduled for district two February the 22nd, and that will be at Scott School. That too will be at 5:30 as well. So, thank you.

Consent Items

President Musgrave: The consent items have been amended. Is there a motion to approve?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Any further business? Motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:09 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1)	Sheriff's Office (10)	Center Assessor (1)
Public Defender (1)	Prosecutor (2)	Circuit Court (1)
County Clerk (1)	VCCC (2)	

Travel Requests:

Commissioners (1)	County Clerk (2)	County Engineer (1)
Surveyor (2)	Health Department (10)	County Highway (1)

Commissioners:

Evansville Convention and Visitors Bureau joint city-county letter.
Polling place letter.
Evansville ARC report-December 2005.
Evansville Police Department-use of Centre-waiver of fees-not overtime.
Jail construction payment-Requisition No. 76- \$505,965.15
Township Trustees Guidelines: Center, Perry, Pigeon, Scott
Department head meeting notes-January 24, 2006

Auditor:

Surplus letter-chairs.
Permission to advertise-statement of receipts, disbursements and wages for compensation for 2005.

DADS: Surplus letter-chairs.

Purchasing: Monthly report-December 2005.

Prosecutor:

Surplus letter-typewriters and filing cabinet.
Annual financial certification reports for grants.

Superintendent of County Buildings: Council call-appropriation request.

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
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Gene Grigsby	Bob Dillow
Steve Craig	Sherman Greer	Matt Arvay
John Stoll	Susan Harp	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
FEBRUARY 14, 2006**

The Vanderburgh County Board of Commissioners met in session this 14th day of February, 2006, at 3:32 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 Vanderburgh County Board of Commissioners meeting for February 14, 2006. We'll start with introductions to my 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the February 7, 2006 Commission Meeting Minutes

President Musgrave: We have on the agenda the approval of the prior minutes of February 7th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Approval of the February 14, 2006 Executive Session Summary Minutes

President Musgrave: There was an executive summary of our executive session. I understand there is a summary of those minutes. Is there a motion to approve those?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I will abstain as I did not attend.

Presentation of Knight Township Urgent Need Grant Certificate

President Musgrave: First action item, it's with great pleasure that today we welcome Steve Adams, the Interim Director of the Office of Rural Affairs of the Lieutenant Governor's office. He is here today to present an urgent need grant certificate. If you could please come forward, Mr. Adams.

Steve Adams: Thank you so much, Commissioners. This is truly my honor and privilege to be down here on behalf of our Lieutenant Governor, Becky Skillman, today. I apologize that with this being an urgent need and such short notice, we could not arrange her schedule to come. But, she certainly will be down as the station progresses and things move forward through that process. As Secretary of Agriculture of Rural Development, Lieutenant Governor Skillman is definitely committed to our outlying areas, such as this station serves. Today is satisfying for not only myself, the Lieutenant Governor, Governor Daniels, and the entire Indiana Office of Rural Affairs, but also to the men and women of that community who know first hand what was faced in November. When thinking about this urgent need grant award, I am reminded of what Tammy Foreman told us last week. She said, "This is truly an urgent need. It's obvious the fire response can be hampered with equipment housed at different homes, as it is now. I am encouraged with the new fire station that it will built by the end of this calendar year." The quick pace of the project illustrates the urgent need for a new and safe facility, not only for the firefighters that are behind me and the team of those who are currently in their area, but the more than 4,000 residents who they serve. The Community Development Block Grant program, which is administered by our office and Lieutenant Governor Skillman, is an effective tool for community based initiatives, such as this, that improve local quality of life and foster economic opportunities. The Knight Township Volunteer Fire Department and the station fit the definition to a "t". The station is important as we look to bring new economic opportunities to the area, many areas in the state, particularly this small, outlying area of Evansville. Fire protection is important in making communities more attractive to businesses, but, more importantly, the station provides the quality of life that tornado victims can attest to. After the tornado, volunteer firefighters didn't sit down and complain, they did not worry that their own station was destroyed at that time. They did not have time to. They had their job to do, as they have done many other times, probably not to this degree, of course. You did your jobs, and you made a difference is what I can tell them on behalf of Governor Daniels and the Lieutenant Governor. Your work and dedication truly made an impression on Governor Daniels, Lieutenant Governor Skillman, the others from state government who toured the area those days following the November 6th event. And, on behalf of the Lieutenant Governor, I thank you for your service and your courage, and it is my privilege today to be able to present this \$500,000 urgent need Community Development Focus Fund Award to the Vanderburgh County Commissioners.

President Musgrave: Thank you. We are indeed very grateful. I was there the days that the Governor and Lieutenant Governor Skillman came to visit. I saw her react in the deepest emotional way to the debris that she saw. When she first came out

of the helicopter and went down to the road there was a child's doll laying in the street, and she was very deeply touched by what that meant. I could tell then that she was concerned and moved by what had happened to the people in Eastbrook Mobile Home, and, indeed, she has shown her caring through the process of this grant application, and making sure that future disasters will find the Knight Township Fire Department well prepared to meet them. So, please thank her on my behalf.

Steve Adams: I will do that.

Commissioner Shetler: The only comment that I would like to make is that I know you guys do, in fact, I believe you guys do all of the runs, don't you, for the river? So, the 4,000 residents, you really serve all of this area when it comes to disasters on the river and waterways and stuff. I assume that this, in it's proximity, is going to be right there on top of it and going to be very, very helpful. So, you know, this is going to be a tremendous asset for all of those folks going up and down, and for the emergencies that happen on the water, on our major waterway here at the Ohio River. So, I think this is going to be something that is going to help tremendously for the future, not just talking about what's happened in the past, but for the future to come, you guys, you know, this is going to be a great asset for us. So, thank you.

Commissioner Nix: Once again, I really appreciate the guys, the job you guys did that day on the 6th, and I know you guys are there all the time, 24 hours a day, seven days a week, and I just, I was there the day that that took place on the 6th, and I just can't say enough good things about what you guys have done. Also, to the state, Governor Daniels and Lieutenant Governor Skillman for the timeliness in which you put this together. This was turned around in a quick manner, and I think that shows that everybody's working together on this.

President Musgrave: Thank you very much.

(The Knight Township Fire Department Firefighters approached the Commissioners to personally thank them.)

<p>Vanderburgh County Health Department: Dental Clinic Lease & Dental Clinic Grant Agreement</p>

President Musgrave: We move now to another important local community issue, the dental clinic lease. Does the County Attorney wish to address that?

Ted C. Ziemer, Jr.: Well, we've been in the process of negotiating both this lease and then the dental clinic grant agreement which will be the next agenda item following this. Negotiations took place between, of course, the county and the County Council, and the Health Department, and in the case of the lease with Southwestern Indiana Mental Health, and in connection with the dental clinic, with the grant agreement with St. Mary's Medical Center and Deaconess Hospital. The form of the agreement, which is before you today has been approved by all of the parties to those negotiations, and is satisfactory for execution, should you desire to approve it.

President Musgrave: Commissioner Shetler, I know you've worked on this.

Commissioner Shetler: I might just speak to it a second, and that is that, you know, first there may be questions out there of why a dental clinic and what's the need for

it? First, a lot of it's being paid for by the hospitals, and one of the purposes is that they were seeing an extraordinary number of people that come in to the emergency room to get their dental care taken care of and the pain that they're in. The only thing that they can do in most of those cases was to give them pain medication and stuff and send them on home so they could get a dentist. There's a lot of infections that really begin in the mouth, and create other problems. It's, this may be, really, a cheaper way to fight off some of the many illnesses that people, that we have to deal with later at the Health Department. So, it only makes good sense from a money saving way for the hospitals, it makes good sense for us to get involved in it, and it's certainly something that does impact the entire body when you start having decay and different problems. So, I think it's an area that's been long overdue to deal with the situation. So, I will make a motion to approve.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: To clarify, was your motion for the dental clinic lease and the dental clinic grant agreement?

Commissioner Shetler: Does that need to be separate?

Ted C. Ziemer, Jr.: No, they don't have to be separate. You have to approve both of them.

Commissioner Shetler: It was for both.

Commissioner Nix: Second.

President Musgrave: Alright. So, we covered that.

**Barnes & Thornburg:
Amendment to 2006 State Lobbying Proposal &
2006 State Government Relations Proposal
(Executive Lobbying Services)**

President Musgrave: The Barnes and Thornburg agreement amendment. I know that the County Attorney also worked with our lobbyist on this issue.

Ted C. Ziemer, Jr.: Yes, previously the Commissioners entered into agreements with Barnes and Thornburg to provide lobbying services for the county at two levels, one for federal lobbying, and the other for lobbying with the Indiana state legislature. It's developed that the county also is in need, from time to time, with lobbying services for the executive branch of the government, and Governor Daniels has instituted some executive orders relative to lobbying the executive branch. That makes it necessary for Barnes and Thornburg, as our selected lobbyist, to have a separate agreement for lobbying the executive, and a separate agreement for lobbying the legislative branch. So, what they've done is modify, you have an amendment here to consider today, which modifies the state legislative lobbying agreement to reduce the cost of that by \$12,000 a year, and then they have a separate agreement for executive lobbying services which they agreed to do for \$12,000 a year. The net

dollar effect is zero to the county, but we will have formalized receiving both legislative and executive lobbying services.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Public Defender: Bob Canada Professional Services Agreement
--

President Musgrave: Public Defender, Bob Canada agreement. I understand this is just to provide professional services and is essentially the routine contract with the Public Defenders. Are there any questions?

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

County Engineer

President Musgrave: We come now to department head reports. I understand that County Engineer, John Stoll, has some items to bring forward.

John Stoll: First I would like to request approval to work with the Auditor's office to get some money moved from the TIF bond account for Burkhardt Road to an account set up for the Green River Road and Lynch Road intersection improvements. Those improvements would consist of a right turn lane on the east, west and south legs of the intersection, and a median along the south leg of the intersection. I would like to set aside \$53,000, and in reference with the County Auditor's office, the account number would be 4313. I just want your approval to work with Bill's office to move that money over.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then once we have that, now that we're getting that money set aside, I would like approval for the agreement we have with Beam Longest and Neff for \$53,000 for the design of the turn lanes and median, as I just mentioned. This is at the intersection of Green River Road and Lynch Road. I had the County Attorney review the agreement, it was acceptable to him.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a request for street acceptance. This is Stellar Drive, and it's along the south side of Eagle Village Apartments. This street was inspected and found to be in acceptable condition. The developer has complied with the extra right-of-way dedication that was required in conjunction with his development. So, I would request approval of the street acceptance.

Commissioner Nix: Is there a one year warranty on that from the date of acceptance?

John Stoll: Yes.

Commissioner Nix: Okay. Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like to request the Commissioners sign off on three notice of termination of construction activity letters for IDEM. This is for the Mt. Pleasant Road project, the Oak Hill and St. George intersection project, and the Lyle Road project. These are all projects that have been finished within the last six months, and we just found in the files that we hadn't filed the correct paperwork as of yet. So, I'm requesting that the Commissioners sign off on that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, the last item is also in regard to the Lyle Road project. We also need to submit a compliance certification to the Corp of Engineers on that project. I was the original, I signed the original paperwork on that, so, I would like to request your approval for me to go ahead and sign off on that again to certify that we complied with the Corp permit.

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.

Commissioner Nix: Thank you.

John Stoll: Thanks.

County Highway

President Musgrave: I understand that Mike Duckworth is asking us to amend the consent agenda in order to file some travel requests. So, when we come to the consent agenda, if you will accept it as an amendment. Are there any other department heads with items to bring forward? I see none.

New Business

President Musgrave: We move now to new business. Commissioners, the university grant application to the Committee on Transportation and Infrastructure, if you will recall, last year we filed this grant with the federal government and received, I believe it was \$1.6 million for University Parkway. The time has come around again to file the grant application. County Engineer Stoll and I spent several hours this morning going over those documents again. It looks like we will be asking for \$13.8 million dollars, and that would represent the projected construction costs for the rest of the roadway between where it currently ends now at Hogue Road up to Diamond Avenue, State Road 66. So, we're very hopeful. It would be wonderful to get the \$13.8 million in construction that we need. Anyone who can help us with that process, we would definitely take your letters of support. The only other item on the agenda is Commissioner Shetler's Major Moves testimony.

Commissioner Shetler: Speaking of letters of support, that's, I will be going to Indianapolis on Thursday to testify in a hearing for the I-69 project that definitely needs to happen. When you just look at the hundreds of millions of dollars of economic development that has occurred on the spur that happened on I-164 on northern Vanderburgh County and eastern Vanderburgh County, you know, I can't imagine what I-69 will do for us, but, it will be tremendous. While we have that, we have it down there for basically a technicality, I don't claim, you know, I will not be claiming any money, just to let you know in case of any insurance purposes there that might arise.

Old Business

President Musgrave: Old business? Commissioner Nix?

Commissioner Nix: Yes, we have a district one road hearing tomorrow evening at 5:30 at Plaza Park Middle School. That will be in the cafeteria at Plaza Park, and I understand there will be some signage, there's some construction going on at Plaza Park School right now, but there will be some signage there directing you around to the cafeteria. We would really like to get some input from the public on what we can do with roads and any other projects that we have coming up within the next year or so. So, if you can make it out for the meeting, it would sure be appreciated. Once again, it's at 5:30 at Plaza Park Middle School, 5:30 to 7:00 in the cafeteria.

Public Comment

President Musgrave: We come now to the item on our agenda as public comment. Is there anyone wishing to address the Commission on an item over which the Commissioners have authority? I see no one.

Consent Items

President Musgrave: Is there a motion to accept the consent items as amended?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That concludes the Commissioners meeting, if there's a motion to adjourn?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

(The meeting was adjourned at 3:53 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (1)	VCCC (Drug Court) (1)	Burdette Park (1)
Circuit Court (1)	Co-Op Extension (1)	County Clerk (1)
VCCC (1)	Health Department (1)	

Travel Requests:

Commissioners (2)	Treasurer (2)	DADS (1)
Health Department (3)	County Highway (1)	

Auditor:

A/P Vouchers.

Use of Center-Waiver of Fees- Not Overtime-PERF meeting.

German Township Trustee: 2006 Poor Relief Standard Guidelines.

Health Department:

State Record of Appointment of Local Health Officer.

Surplus Letter: computers, monitors, printers.

Commissioners:

Jail Construction Payment: Requisition No. 77: \$489,631.24

EPD- Use of Centre-Waiver of Fees-Not Overtime: homicide school.

Vision-e Monthly Report-January 2006.

Department Head Meeting Notes: February 7, 2006

Purdue Co-Op Extension: Business Distributors Inc. Maintenance Agreement

Recorder: Surplus letter: printer.

Public Defender: Surplus letter: table and chairs.

Superior Court: Surplus letter: fax machines.

Department Head Reports:

Burdette Park	County Highway	County Engineer
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Steve Adams	John Stoll
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
FEBRUARY 21, 2006**

The Vanderburgh County Board of Commissioners met in session this 21st day of February, 2006 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 want to call to order the Board of Commissioners meeting of February 21, 2006. Let's start with introductions.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of February 14, 2006 Commission Meeting Minutes

President Musgrave: We have the approval of prior minutes.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patty Avery: 2006 Girls in Bloom Update

President Musgrave: We're pleased to welcome Patty Avery to give us an update on Girls in Bloom.

Patty Avery: Thank you so much for allowing me to come today and share with you where we are. As you know, and you can see on the brochures in front of you, our event is this Saturday at the Centre. I shared with Commissioner Musgrave just before the meeting that I got an e-mail a few minutes after lunch, after noon, saying that we have 407 pre-registrations of girls and their mothers, and my phone's been ringing off the hook all afternoon with additional ones. We'll close that pre-registration tonight. Those girls and their families will all receive a free lunch that

day at the Centre. That was how we motivated people to pre-register, which helps us, obviously, in our planning. I want to thank you for your ongoing support, to thank Commissioner Shetler for coming to our kick off press conference and representing you so well as the father of daughters. He shared with us, he gets it, he understands the reason we need to be investing in our girls and building up their self esteem. We are offering ten workshops an hour on everything from dance and drama and painting and music and Internet blogging and Internet safety to painting and calligraphy and a lot of workshops that directly address the issues our girls are facing; substance abuse prevention, eating disorders, and how to recognize a healthy relationship. We've got on board this year UE, USI, Ivy Tech, both St. Mary's and Deaconess and the Women's Hospital are investing in the project. It's even a multi banking affair, we have four different banks involved in supporting us this year. So, it has gone extremely, extremely well. I e-mailed the committee today, when we got word of the number of pre-registrations, and I said, you know, two years ago today no one had ever heard of Girls of Bloom. We hadn't officially announced the first one yet. We've grown to an event that now when I call the media and say, hey, can we come on? They're like, sure, come, tell us all about it. What are you doing this year? So, we're very, very excited. I'm looking forward to bringing you in a few weeks, I'm going to need a few days to rest up from Saturday I have a feeling, but I look forward to bringing you a report on the success of this year's Girl in Bloom and how we dealt with the challenges of so many girls and their families at the Centre. But, things are going very well. The staff over there has been wonderful, as always, and they're doing everything they can to facilitate a really smooth event on Saturday. So, I thank you from the bottom of my heart. This is a tremendous project, and you would be welcome, very, very welcome to come by anytime on Saturday. But, if you want to come for lunch, tell me so I can count you in.

President Musgrave: Patty, you mentioned that you're accepting registrations until this evening. This is Tuesday, for anyone who might be watching this program as it's aired later. What number, or what e-mail address do people—

Patty Avery: It's 421-4970. It's the Girl Scout office. Or they can e-mail us at girlsinbloom@insightbb.com.

President Musgrave: Okay. Well, good luck with it, and we're pleased to sponsor that event over at the Centre, and happy to give girls in our community some information that they need to be safe and grow up and achieve their potential.

Patty Avery: Thank you so much. And, as well, while I'm here, I want to thank you for your embracing the Relay for Life as well, and having a county team this year. That's another one of the community hats I wear, and I look forward to working with you on that too.

President Musgrave: The Commissioners may not know that Councilwoman Marsha Abell has agreed to chair the county effort, and she'll be asking you for all of your money, instead of the other way around. We're always asking her for all of her money.

Patty Avery: Thank you very much.

President Musgrave: Thank you.

Commissioner Nix: Thank you, Patty.

Wayne Henning Resolution

President Musgrave: Next on our agenda is the Wayne Henning resolution. Patty, do you have information about that as well?

Patty Avery: Sure. I'm sorry, I wasn't prepared to present that. I'll put on another one of my hats and say Patty Avery, Old National Bank, Director of Employee Communications. This week Wayne Henning will be retiring after nearly 42 years with the bank. As you all know, Wayne is a tremendous, tremendous community supporter. For that reason we come to and ask you to acknowledge his many, many community contributions. I had the privilege of going up with Wayne and some of the people from the bank last Monday when the Indiana House of Representatives and Senate honored him in a very similar resolution. So, we would respectfully request that you join us in honoring Wayne and declare February 23rd Wayne Henning Day.

Commissioner Nix: Good.

President Musgrave: Commissioner Nix will read that resolution, if that's—

Commissioner Nix: Yes, and this will be for February the 23rd, this is from the Board of Commissioners of the County of Vanderburgh.

“Whereas, Wayne F. Henning will retire on February 23, 2006 capping a nearly 42 year career with Old National Bank; and Whereas, Wayne F. Henning began his successful banking career with Old National Bank as an adjuster in April of 1964; and Whereas, Mr. Henning rose steadily through various positions in the retail area of the bank until he was named to his current position of Executive Vice President and Regional Chief Operating Officer for the Evansville region; and Whereas, a life long resident of Evansville, Mr. Henning graduated from Reitz Memorial High School and received a Bachelor of Science degree from St. Edwards University in 1963. He is also a graduate of the Stonier Graduate School of Banking, and he served active duty with the U.S. Army and the U.S. Army Reserves; and Whereas, Mr. Henning has been engaged in the political and governmental process throughout his banking career, his most notable accomplishment was to work with the Indiana General Assembly and with the Governor to ensure the passage of the Interstate Banking statute in 1985, which permitted banks in Indiana to form multi-state bank holding companies; Whereas, while fulfilling his responsibilities with Old National Bank, Mr. Henning has been the epitome of a community and civic leader. He has been an unashamed Evansville booster, contributing his time and talents to many community organizations. He has served as the past president of many notable Evansville organizations, including the Evansville Freedom Festival, Evansville Association of Commercial Banks, Consumer Credit Counseling Services, Greater Evansville Lenders Association, Reitz Memorial High School Alumni Association and the Memorial Athletic Booster Club; and Whereas, Mr. Henning has served as the Associate General Chairman of the United Way, and as Financial Chairman at Holy Rosary Church, Vice Chairman of the Evansville Chamber of Commerce, and Chairman of the Southern Indiana Financial Institutions for I-69. He has served admirably on the

boards of the Evansville Association of Retarded Citizens, Roberts Stadium Foundation, Mesker Zoo, and the Evansville Airport Advisory Board. Whereas, Mr. Henning has been deeply involved in the Evansville business and cultural community most of his adult life, impacting the lives of many of its residents, and his service has been appropriately recognized by many of those organizations. He is the recipient of the Multiple Sclerosis "Hope" Award, the Memorial High School "Distinguished Service" Award, the Beacon Group "Community" Award, the Best of Evansville "Decades of Wisdom" Award, and most recently the Buffalo Trace Council "2004 Distinguished Citizen" Award; and Whereas, Vanderburgh County would not be all that it is today without Mr. Henning's generous service and in recognition of the fact that his leadership, wisdom and enthusiasm have made him highly honored in our community and across the State of Indiana. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana, that in recognition of Mr. Henning's many years of service, that we do hereby proclaim February 23, 2006, WAYNE HENNING DAY in Vanderburgh County."

And this is signed by all three of the Commissioners. You know, it's a wonder he could get a job, get any of his work done at work with all the things he had going on, but he's a real good man, and we congratulate Mr. Henning for everything he's done for this community.

Patty Avery: Thank you.

Commissioner Shetler: I did get a tickle in my throat, and wasn't able to read that. But, I did want to see if Bill was going to be able to say Memorial Tigers three times. For a Mater Dei Wildcat, that was good.

Commissioner Nix: It was tough to bring it out, but, it's okay.

Patty Avery: Well, and, of course, we welcome, Commissioner Shetler will be there that day to deliver the proclamation too.

Commissioner Shetler: You know, in addition to that though, I would like to point out that Wayne not only was president and chairman and president and chairman of all these different groups and activities, my first association with him was actually as a hawkster during the Freedom Festival buttons when he and I walked the parade route selling buttons three or four dollars a piece to people. So, you know, he could stand at the top, he could direct people, but at the same time he could get down on the street and sell the buttons and do the things necessary. I think that's a lot to say for Wayne Henning.

Patty Avery: Thank you.

Commissioner Nix: If Mr. Henning's listening, we've got quite a few board placements that we've got to fill, so maybe he could help us out on the Commission now.

Patty Avery: Thank you so much.

Les Shively: Rezoning Waiver of 8200 Telephone Road

President Musgrave: Next on our agenda is attorney, Les Shively, rezoning waiver of 8200 Telephone Road.

Les Shively: Thank you, President Musgrave, and Commissioners Nix and Shetler. Briefly, let me just sort of bring you up to speed on why I'm here. This is sort of an unusual situation. If you'll recall, back in January we had two rezonings on Telephone Road, one was for commercial, and one, which you approved on that time was by my clients, John Elpers and Bruce Biggerstaff, Sr., that were going to do a residential subdivision. You approved that one, the commercial one, which I believe Brandeis was going to be the end user. They withdrew that. Under your ordinance, if you withdraw a rezoning request, you're out for a year. Well, after that was withdrawn officially, the folks who own that property came to my people, I don't know who came to who first, but they reached an agreement whereby Mr. Elpers and Mr. Biggerstaff and their limited liability company is going to buy this land and do either a condo or a multi-family development, get it rezoned to that which would be an appropriate buffer. Because you know that we have industrial on the other side of the border, so, it would be the more appropriate buffer than commercial. I talked to Brad Salmon who represented the remonstrators that you would have heard from had the commercial rezoning gone forward, his clients wholeheartedly support this waiver should you feel it's appropriate. Again, all this means is, if you would approve this today, it has to be done unanimously, is that the one year waiver would be approved. We would still have to go through the rezoning process, give notices, have the two public hearings with the Plan Commission and the Commissioners. But, again, this doesn't happen too often, but it's kind of a win-win proposition. At least for those folks that own that property that was going to be C-4.

President Musgrave: Commissioners, is there a motion to approve the waiver of the rezoning?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Les Shively: Thank you very much. We'll see you in March or April.

President Musgrave: Okay.

Region 14 Public Safety Communications Plan of the FCC

President Musgrave: Next on the agenda is the Region 14 Public Safety Communications Plan of the Federal Communications Commission. I believe we have Mr. David Vice and Jo Anne Smith from Central Dispatch. Mr. Vice, would you state your title?

David Vice: I'm Field Coordinator for the Integrated Public Safety Commission. If you don't mind, I'll approach and give you a few hand outs? Just, quickly, to give you a little history about the Integrated Public Safety Commission, in 1999 the General Assembly, the Indiana General Assembly created the Integrated Public Safety Commission, and our project to complete was a voice and data system for public safety agencies in the state of Indiana. The project is called Project Hoosier Safety. It is a project that promotes interoperability for public safety agencies to use either daily or during times of incident disaster. The commission that was set up has 12 members. They are representative of the user community. Those represented are the sheriffs, police chiefs, fire chiefs, EMS, the mayors, county commissioners, campus law enforcement, private sector, the Superintendent of the Indiana State Police, the FBI, and the Speaker of the House has an appointment, and the Speaker Pro Tem of the Senate has an appointment. All the other appointments are made by the Governor. This project is a \$79 million project that will have 126 tower sites across the state. The map that I handed out to you shows approximately, I think, 74 that are operational. Those are the towers that are identified as black towers on your map. As of this afternoon, I think we're up to about 76. What I'm here today to ask is the Federal Communications Commission assigns 800 megahertz frequencies to the state and also to the counties. In a lot of situations most counties don't recognize that they have those available to them. What I'm asking today is that the state be allowed to co-license these frequencies that currently aren't being used in Vanderburgh County so that we can utilize them on one of our tower sites that will be in this area. One of the things that I want to clarify, if you look at the map, this system is called a trunk system, and that means all the towers work together to provide coverage. Similar to what your cell phone technology does. As you move around with your cell phone, it roams from tower to tower, and you don't recognize it except you can talk or you can't talk. This system is set up the same way. So, it really doesn't make any difference how many towers are necessarily in your county. It's the location of the towers in the county and the ones around it that will provide the coverage for this area. Probably the most significant line of this is the end of the first paragraph where it says, if Vanderburgh County wants those frequencies back, the state will relinquish them back. We are not assuming control of those frequencies, we are just asking to co-license those frequencies listed, and the FCC requires this letter on county letterhead or County Commissioner letterhead. You are looked at as the owners of those frequencies for the county.

President Musgrave: And the Central Dispatch Board did approve your request at our last meeting. I don't remember the date.

Jo Anne Smith: Yes, they did.

President Musgrave: After much discussion, I remember.

Jo Anne Smith: After much discussion.

President Musgrave: Commissioners, are there any questions? I believe every region in the state, are we the last region to be completed? Or the next to last?

David Vice: Well, actually, we're doing the south a little differently than we did the north. So, we're not sure which, whether the southwest or the southeast, which one will be completed first, because what's taking the most time is to negotiate leases with private tower vendors. We're not building towers ourselves. We're looking for existing sites. One of the questions that did come from the board meeting that I attended was, did we look at the tower here in Evansville? It was reviewed, and

because of the amount of tenants that are already on it, structurally it wasn't going to support another user. We also looked to go to the top of these towers. The top was also unavailable, and there's already an 800 megahertz system on it. So, there was the issue that there could be some problems there of the two not working together correctly. So, it was reviewed. The second site, actually, is just across the river, right across the 41 bridge.

President Musgrave: I believe we have a copy of this on a letterhead? If the Commissioners have no further questions, is there a motion to approve?

Commissioner Nix: Motion to approve.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Reverse 911 Grant Update

President Musgrave: While I have Mrs. Smith here, I would like her to bring up the reverse 911 grant application letter that I know that she has been working on.

Jo Anne Smith: I am in the process of gathering figures for the emergency telephone notification systems, reverse 911. I am hoping to have that in the Commissioners hands within the next couple of weeks. I spoke with one of the vendors today to get some figures, to give us some idea of what we're looking at. It's based on the number of phones in your county. I did find that out today. It is done by phone, at a cost per phone. Also, it is can, at one point, cover cell phones as well as they are looking at voice over IP technology as well.

President Musgrave: As she's working to gather these figures, we are hoping to make a grant application deadline. In order to, hopefully, meet that deadline, I would like permission from the Commissioners to have her draft a letter that we could sign as soon as it's ready, and get in to Washington. So, today I would like to request a motion to approve the signing of the grant application documents when they become ready.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you very much for—

Jo Anne Smith: I'll have them as soon as I possibly can.

President Musgrave: — scrambling on that one.

**University Parkway Federal Grant Application Letter
to the Committee on Transportation and Infrastructure**

President Musgrave: We move now to the University Parkway federal grant application letter to the Committee on Transportation and Infrastructure. I know that engineer Stoll has been working diligently with me on this.

John Stoll: The letters you have are letters to Congressman John Hostettler, Senator Bayh and Senator Lugar for requests for appropriations for the continued construction of University Parkway. The request that we're making is for nine and a half million dollars. Based on some spreadsheets that I've been working on, that is the estimated shortfall on what we see in the funds for getting the entire project completed up to Diamond Avenue.

President Musgrave: I just need approval to sign the letters to the Senators.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you for the effort that you put in on this.

**AMR Agreement, Kraftwerks Lease Agreement
Southwest Indiana Drug Task Force Grant Renewal &
Perry Township SBC Agreement Addendum**

President Musgrave: Contracts, agreements and leases, we have several; the AMR, Kraftwerks lease agreement, Southwest Indiana Drug Task Force grant renewal, and the Perry Township SBC agreement addendum. Attorney Ziemer, are you handling all of those? Or is there anyone here to make any comments on any of them?

Ted C. Ziemer, Jr.: I prepared the AMR agreement, and it is almost identical to last years form of the agreement, with one slight change regarding liability, which AMR requested, and I agreed to. It's satisfactory for execution from a legal perspective. I prepared the Kraftwerks lease agreement, which is now on the standard form of Old Courthouse space lease agreement. Otherwise the provisions of it are very similar to those of last year. I reviewed the Prosectuor's Southwest Indiana Drug Task Force grant renewal, and find it satisfactory for execution from a legal perspective. I reviewed the SBC agreement addendum and also find it satisfactory for execution.

President Musgrave: Are there any questions? If there is a motion to approve all four?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motions carry.

Proposed IT Ordinance

President Musgrave: Next on the agenda is the proposed IT ordinance by the Courts, Treasurer, Auditor, Recorder and Clerk. This is the continued first reading. Judge Knight?

Doug Knight: Thank you. My name is Doug Knight, one of the judges in Vanderburgh Superior Court. I can be very brief. The purpose of being here today is to simply request that you move forward in some favorable way in considering the ordinance that we submitted to this body several weeks ago. That's my purpose in being here today.

President Musgrave: Any discussion? A motion to take under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

Commissioner Nix: Thanks.

Doug Knight: Thanks.

County Engineer

President Musgrave: Department head reports. Are there any department heads with a report? Engineer Stoll?

John Stoll: I have just one item, it's the agreement for the design and right-of-way engineering on the Burdette Park-USI bike path. This agreement is with Bernardin Lochmueller and Associates, and it's for the amount of \$150,600. This would just get the plans done to the point that legal descriptions could be prepared for the easements, and then the easements could be signed off on by USI and Southern Indiana Higher Education. This agreement will have to be supplemented at a later date to complete the final design plans, but this at least would provide the legal descriptions.

President Musgrave: Mr. Ziemer, I know that you've been discussing this with Southern Indiana Higher Education, would you say that it's advisable to pass this now contingent upon their approval of the path? Or would you prefer we just wait?

Ted C. Ziemer, Jr.: I want to ask John a question. What Southern Indiana Higher Education is doing is reviewing drawings that we've presented to them to determine whether the proposed location of the bike path as shown on those drawings in

anyway conflicts with the master plan for development of USI. I have not heard back yet from them on that review. So, it's possible that they would suggest some deviation from the current proposed route. If that happened, would that in anyway jeopardize our approval of this contract today?

John Stoll: I don't think so. From the perspective of the notice to proceed with the consultants, I contacted Bernardin Lochmueller and Associates today in regard to that, knowing that this issue was out there, and they didn't see a problem with us going ahead with the agreement, but just not giving the consultant the notice to proceed with the work until this issue is resolved with SIHE. So, on that basis I would say that we would be okay.

Ted C. Ziemer, Jr.: Then the only other question I had, and you may have addressed this, I think I heard you say something, I didn't see anything about the cost of the project in that draft of the agreement.

John Stoll: Right. The version I sent to you was just the front end portion of the agreement. They were still working on the cost at that point. In the appendix it does have the cost, the appendix is included in the agreement now that has the costs and outlines the scope of services.

Ted C. Ziemer, Jr.: And you're satisfied with those costs?

John Stoll: Yes.

Ted C. Ziemer, Jr.: They are in order?

Commissioner Nix: I guess, the \$195,000, is that the amount on that?

John Stoll: \$150,000.

Commissioner Nix: Excuse me, \$150,000, okay.

President Musgrave: The funding is in place for that.

Commissioner Nix: I think we need to move forward with this. I would like to see it going as quickly as possible. I would like to make a motion that we approve this.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We'll let you know when to give the notice to proceed. I know that attorney Ziemer is talking to them, and he'll let us know.

John Stoll: Okay. Sounds good.

President Musgrave: Nothing else to report?

John Stoll: Nothing else.

Building Commissioner

President Musgrave: Roger Lehman, Building Commissioner.

Roger Lehman: Yes, I have brought to the Commissioners today an agreement that the county will be responsible for the match grant for the safe room upgrade for the restroom facilities at Burdette Park pavilion. The most likely scenario is that we will pick up the actual dollar figure in the construction itself as opposed to it being a cash outlay. But, in order to apply for the grant, we have to agree to cash or in kind. So, the letter reflects that. I would ask that you all would sign that.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Roger Lehman: Thank you very much.

County Attorney

President Musgrave: Any other department heads? Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, I have two items, we have a lease which I have prepared for Patrick O'Connor in the Old Courthouse, which Madelyn now has in the file for execution should you decide to approve it. It is satisfactory for approval from a legal perspective. Also, we have in the file a form of encroachment agreement, under the terms of which the City of Evansville would place benches at four locations, and a shelter at one location to provide comfort for people who are waiting for busses at those locations in the county. I think Ed Ziemer of City Transportation Services is here, if the Commissioners have any questions of him about that.

President Musgrave: I cleared up all my questions this afternoon. So, do we have a motion on those two?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Board Appointments

President Musgrave: Board appointments, Old Courthouse. Is there a motion to appoint John Stratman to the Old Courthouse Board?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

New Business

President Musgrave: New business is the Pigeon Creek enhancement project letter. We have Mr. Norb Woolley here to address this.

Norb Woolley: Thank you, Madam Chairman. I'm Norb Woolley. I'm a retired educator, and I'm a retired General Manager of the Water/Sewer Department. I've had the privilege of working some 20 years trying to get federal grants for the city. I met with Cheryl this past week and asked her if I could get the Commissioners support for a project that I'm working on this year, and it's called Pigeon Creek Enhancement Project. I've worked through this for the last six years. Fortunately, in that six years for various sur projects I've been able to get approximately two and a half million dollars through the STAG grant. This grant through the Pigeon Creek Enhancement Project is for the Mt. Auburn neighborhood. We have quite a few challenges there, and I'm attempting to get, with a consultant, a grant of a \$1,450,000, which would pay 55 percent of the cost. The total cost being \$2,636,000. I gave a letter of support, which I've put on your desk today, to Cheryl, and told her she could modify it any way she wished, and she asked me if I would be willing to come today to ask you for your support. At this time I would like to ask your support of the draft letter she may have put together to support this grant. I will be flying tomorrow to Washington, D.C. to present this grant to the two Senators offices, and Congressman Hostettler's office. So, I would appreciate it if you would give me support. If you have any questions, I would be glad to answer them. Thank you very much.

President Musgrave: Someone earlier emphasized to me that we weren't asked to make up the difference between any grant and the cost of the project. No, we are not. We are merely offering our support to the City of Evansville.

Norb Woolley: That is correct. The difference would come from the Sewer Department, from user fees. Over the past few years, and I've been involved in the Water/Sewer Department for 22 years, even though I'm retired for three and a half years, I still work to help it. You can't give up something you've done for 22 years, plus we probably have one of the highest sewer rates in the state because we've kept pace with a lot of things that other cities haven't. I don't mind spending my time trying to get grant money for the city if it will hold the sewer rate down and help all citizens of Vanderburgh County. This proposal will do that. The other costs would be paid out of sewer user fees.

Commissioner Shetler: As a customer who uses a lot of water and sewer having seven kids, thank you. Thank you very much. I appreciate that.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Norb Woolley: Thank you very much for your time.

Commissioner Nix: Appreciate your efforts on this.

Norb Woolley: If I'm successful, I'll be more than happy to come back and let you know.

President Musgrave: We would love to hear from you.

Norb Woolley: Because in five years I think that Don Roke and I have been pretty successful in getting two and half million dollars. Thank you.

President Musgrave: Thank you.

Commissioner Nix: Thank you.

Cancellation of February 28, 2006 Commission Meeting

President Musgrave: Next on our agenda under new business is the rescheduling of the February 28th Commission meeting. Commissioner Shetler?

Commissioner Shetler: Yeah, next Tuesday it's been set up, and actually I think this was requested by our Governor to have a strong show of support from our community and from southern Indiana in support of I-69. I think that's important, there's a lot of misconception, I think, out there that I-69, at this point, may be a shoe in because of the Senate being more on the Governor's side. That isn't the case. There's some prospects there where aspects of the legislation may be gutted and taken out and altered in one way or another. If that happens, it could be fatal to I-69. I-69 is not only a major road transportation network system that we need to be put in place, but it's also a huge economic tool. Economic development that's come about from I-164 spur, for example, in that short life span has been over \$200 million. I can't imagine what additional that we'll get from a direct link with our state capital, it probably will be well into the billion dollar range. So, it's necessary, I think, that we, as a group, the County Commissioners, in fact, I would like to even press upon our County Council, members of both parties to go up and show their support in unison for this project, because it's that important.

Commissioner Nix: I want to thank you for, I guess it was last Wednesday you spoke, or Thursday, excuse me, at the statehouse on behalf of I-69 and the County Commissioners. I understood that turned out real well.

Commissioner Shetler: It did. Thank you.

Commissioner Musgrave: It appears that the best move for us would be instead of rescheduling the meeting, would be to cancel it altogether. We've checked with all the department heads and no one had any critical business pending for that date. I also checked with Surveyor Jeffers and the items that he had on his agenda, he checked with the developers and they were agreeable to waiting for a week. So, if there's a motion to cancel the February Commission and, I guess we can't do Data Board, not Data Board, Drainage Board, we will just send out an announcement on that.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Old Business:
2006 Centre Projects
Artwork Unlimited Lease at the Old Courthouse
District Two Road Hearing Update
BBJJ vs. Vanderburgh County Settlement Agreement**

President Musgrave: Old business? Artwork Unlimited lease at the Old Courthouse. Mr. Phil Wolter asked us to decide by today to see whether he could still use the Old Courthouse. I'm sorry, I skipped one. I'm going to put that one on hold for a moment. We received a letter from Dave Rector, who I believe is here today regarding the 2006 projects for the Centre. If you would like to go through those, Mr. Rector.

Dave Rector: I want to give you, Commissioner Musgrave, (Inaudible) there was a math error there. So, I'm going to give you the correct one. Our Excel system was trying to add in the date too. We have the 2006 through 2009 requested proposed projects for the Centre coming from the Food and Beverage Funds. I would suggest that we just address 2006 at this time. I'm here for any questions you might have. As you can see, it's a pretty aggressive list, but the F&B Fund looks like it's more than healthy enough to handle those. Some of them are absolutely necessary for the building maintenance, others are for enhancing the ability of the Centre to continue prospering. I'm here for any questions.

President Musgrave: Today, Commissioners, we would be approving the projects, but the estimates are exactly that, they're estimates, and Mr. Rector will be bidding those out and awarding them to the low bidders after coming to the Commissioners to let us know what those awards are.

Dave Rector: What we've been doing, as we bid them, they go to our board for the approval, and then I've been giving you a letter of what the bids were and what the project was, so that you are aware of it. Then after we pay for it, we'll invoice you just like we've been doing in the past year.

President Musgrave: There are a couple of items on here that will require some consultation as they are developing and come to fruition. So, if there's a motion to approve the 2006 project list with that understanding.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Dave Rector: Thank you.

President Musgrave: Thank you, sir.

Dave Rector: While I'm here, just one other item. SBC showed up today, finally, after over a year and are putting in another antennae for the Wi-Fi on the first floor. So, that should be available down there, beside up here.

President Musgrave: I know we had some questions about that agreement, so, you'll be getting a few phone calls I think.

Dave Rector: This was the SBC that did it from the same ones that did it last year.

President Musgrave: If you have a handy copy of that agreement, we would like to take a look at it.

Dave Rector: I was going to say, do you have some information that I don't have. They showed up at the door today and said they were here to do—

President Musgrave: No, it's funny how that works.

Dave Rector: Okay. Thank you.

President Musgrave: Thank you. Next, Ed Ziemer is here to present the encroachment agreements, or Mr. Ed Ziemer is watching us on television and will come down as soon as he realizes that we're ready for him.

Dave Rector: I'll go tell him.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: I think we did that.

President Musgrave: Did we?

Ted C. Ziemer, Jr.: Yes. Under my report.

President Musgrave: That's right.

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Then, it's on this list twice, and I just didn't remember that. Artwork Unlimited lease, now we're ready for that, unless anyone thinks I skipped anything else on the agenda. Is anyone here to address the Artwork Unlimited lease? Or are there any questions or comments by Commissioners?

Commissioner Nix: I didn't know if Mr. Wolter wanted to speak on behalf of?

Phil Wolter: Good afternoon, Commissioners. I think I dropped a letter off for all the Commissioners kind of covering some of the background of Artwork Unlimited, and certainly we would like to come back in and go with the project again this year with the approval of the Commissioners. I think we've had a pretty good history of helping some of the local charitable organizations that we detailed out in the letter. We also did start up, at the request of a lady you folks mentioned a little earlier, Mrs. Abell, she asked last year what we were doing to help downtown Evansville, and at that point we did start that little program, which was the contest promotion that we started, which helped out about seven different local businesses along the walkway there last year. We worked with Downtown Evansville, Inc. Event Coordinator, Tiffany Ball, to promote that event. It worked out fairly well. It wasn't the greatest event in the world, but we feel like next year we would like to get more involvement from more businesses down there and have more registration sites and bring some more people in. The bottom line, we would just like to come back and be able to run the haunted attraction in the Courthouse again, with the approval of the Commissioners.

Ted C. Ziemer, Jr.: Excuse me, did you not also say that you would be willing, if it were approved, to have one night, what was that going to be, to benefit?

Phil Wolter: It would be a fund raiser, that was another one, I believe it was Mrs. Abell brought that one up, and it was, there was a motion within the Foundation Board meeting, and it was approved, most certainly, most definitely, we would like to work with the Commissioners and the Foundation Board and make that a successful event, raise some more funds for the Courthouse.

Ted C. Ziemer, Jr.: So that the proceeds from that particular night would go to the Foundation.

Phil Wolter: The Foundation Board or the County Commissioners general fund, whatever they deemed appropriate.

Ted C. Ziemer, Jr.: So, if this were approved, you're willing to have that built in to the lease agreement?

Phil Wolter: Absolutely. Yeah, I think we already approved that, as a matter of fact.

Commissioner Nix: Well, sitting on the board, I know the long term plans for the Old Courthouse really don't lend to this activity or this function, but I just I think for another year, I feel comfortable we can allow this to go on. So, I would like to make a motion we approve.

Commissioner Shetler: I'll second.

President Musgrave: We have a motion and a second, so I'll discuss. I appreciate that we have a consultant coming on board to let us know how to proceed with the Old Courthouse, not only in certain renovations, but perhaps with the whole building

and the direction that it's going. I respect what you're doing, but I will not support it. So, I'll call for a vote at this time. All those in favor?

Commissioner Nix: Aye.

Commissioner Shetler: Aye.

President Musgrave: Opposed? Aye. So, the motion carries. Your lease is approved for another year.

Phil Wolter: Well, thank you very much. I will, I guess, I'll expect to hear from the Foundation Board where we can start planning the event for the fund raiser.

Ted C. Ziemer, Jr.: I'll be preparing a new lease for you and we'll shoot you a....could you give me your e-mail address.

Phil Wolter: I believe it might be on some of that correspondence. It's wolterart-

Ted C. Ziemer, Jr.: Excuse me, wolterart?

Phil Wolter: Wolterart, excuse me, at hotmail dot com.

Ted C. Ziemer, Jr.: At hotmail dot com. Thanks.

Phil Wolter: Yes.

Madelyn Grayson: May we make a quick tape change please?

Commissioner Musgrave: Certainly.

(Tape change)

Madelyn Grayson: Thank you.

President Musgrave: Next on the agenda is the district two road hearing, Commissioner Shetler?

Commissioner Shetler: Yes, I would just like to invite everyone, regardless of if you're in district two, or one or three, that we will be having our third road hearing, that will be at Scott School in the cafeteria, and that will be tomorrow at 5:30. From 5:30 to 7:00. So, if anybody has any road concerns and you were unable to make it to any of the other two that we had before, you are more than welcome to come to the district two as well. Again, that's at Scott School cafeteria and that will be 5:30 to 7:00 tomorrow.

President Musgrave: Thank you. Next on the agenda is attorney Andrew Ozete with a settlement agreement in BBJJ versus Vanderburgh County.

Andrew Ozete: Thank you, Madam Chairman, Commissioners. My firm was engaged as special counsel for the county to deal with a matter of a claim by an entity known as BBJJ against the County. A lawsuit was filed and a copy of the lawsuit was tendered to the Commissioners. Based upon that lawsuit, subsequent discovery was conducted, depositions were taken. It would appear that while the complaint as stated is not particularly well pleaded, an underlying claim does sound,

based upon one of several theories of law, ie: breach of contract, Res Judicata, excuse me, not Judicata, but promise of Res Ipsa, excuse me. In any event I have entered into settlement negotiations with BBJJ wherein they would agree to pay to the county some taxes that are due and payable at the same time that the County pays in satisfaction of the lawsuit in an exchange for the release of the lawsuit, \$28,736.63. The County also, it's a complete release by all, by BBJJ of all activity in relation to the lawsuit, in relation to the activities that resulted in the lawsuit. The County does a similar release for activities in relation to the lawsuit, excuse me, also activities related to the bankruptcy that led up to this lawsuit. But, the County does retain, of course, rights to enforce it's police powers and taxing powers. I have prepared a copy of the release. I believe I tendered it to you just earlier today, but with that said, I have an original settlement agreement signed by the opposing counsel, signed by the other side. I would like to tender it for approval at this time. I also have a blue form, pre-filled out in the amount of that, and since I don't do this everyday, I've written down what I would like. I would like a motion that would authorize the settlement to be executed, the blue form to be executed, and all other actions necessary to consummate the action, including without limitation timely sending the wire called for in the settlement agreement. Because there's some timing issues, we're going to do a wire transfer, and we really don't have much time. So, that is how I would like the motion to read.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

Commissioner Shetler: Aye.

President Musgrave: And I abstain. The motion carries. Thank you, sir. Anything further?

Andrew Ozete: I hope not, Commissioner.

Commissioner Nix: Thank you.

President Musgrave: Thank you very much. We will all sign those after the meeting, and if you care to stick around for that, or you can just pick it up tomorrow. It's your preference.

Andrew Ozete: Thank you.

President Musgrave: Is there any further old business?

Public Comment

President Musgrave: This is the time on our agenda where we call for public comment for anything relating to the Commissioners. Did I skip over the Treasurer's annual report? No? That's not today?

Z. Tuley: Wrong meeting.

President Musgrave: Okay.

Consent Items

President Musgrave: Consent agenda. I know that there's been an amendment for a late travel request from the Treasurer's office. Is there a motion to accept the amended?

Commissioner Nix: I would like to add one more, pay requisition number 78 for the new jail in the amount of \$209,115.45.

President Musgrave: Is that a motion?

Commissioner Nix: So moved. Yes, that is a motion, yes.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: It's amended for that. Is there a motion to accept the consent items and the Treasurer's late travel?

Commissioner Shetler: Let me ask one question real quickly on that, on this jail, how are we running on that now, on the total budget? Are we still—

Commissioner Nix: Yeah, we are still within budget. This is actually out of the bond itself, this is a payment out of the bond, this is not any extra, this is for the contract itself.

Commissioner Shetler: Right.

Commissioner Nix: So, yeah, everything, yeah, we're still, I think, in good shape, so.

Commissioner Shetler: Okay. Thank you. Did you need a motion?

President Musgrave: We had a motion and a second.

Commissioner Shetler: So moved.

President Musgrave: All those in favor? Aye.

Commissioner Nix: Aye.

President Musgrave: Do you vote to accept the—

Commissioner Shetler: Yes.

President Musgrave: Okay. That concludes the agenda items. Is there anything further? If not, a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1) Veterans Services (1)

Travel Requests:

Center Assessor (1) County Clerk (2) Election Office (2)
Treasurer (1)

Commissioners:

AMR Quarterly Report-4th Quarter 2005.
ONB Letter Regarding Jail Pay Requisition No.77
Evansville ARC Monthly Report-January 2006.
Department Head Meeting Notes: February 14, 2006.
Jail Pay Requisition No. 78: \$209,115.45

Treasurer:

Monthly Report-January 2006.
Year-to-Date Investments: January 31, 2006.

Surplus Letters:

Building Commission: desks.
Auditor: printer and paper.
County Highway: vehicles.
Information Technology: UPS power system.

Weights & Measures: Monthly Report-January 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	CIO
Veterans Services		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Patty Avery	Les Shively	David Vice
Jo Anne Smith	John Stoll	Doug Knight
Andrew Ozete	Phil Wolter	Norb Woolley
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
MARCH 7, 2006**

The Vanderburgh County Board of Commissioners met in session this 7th day of March, 2006 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 March 7, 2006 Board of Commissioners of Vanderburgh County meeting. We'll begin with introductions.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the February 21, 2006 Commission Meeting Minutes

President Musgrave: The first item on our agenda is the approval of the minutes of February 21, 2006.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Knight Township Urgent Need Grant
Sub-Recipient Agreement for CDBG Funded Projects &
Grant Agreement Contract**

President Musgrave: I would like to welcome Debra Bennett with the grant agreement contract. Welcome, Debra.

Debra Bennett: Good afternoon. I came for two different items this evening. First, is I'm presenting a copy of a sub-recipient agreement between the Knight Township Fire Department and Vanderburgh County. The agreement is a form by the state of Indiana, it has been sent to the Knight Township Fire Department, they have

approved and signed it. I'm now presenting to you this evening for approval, signature by the County Commission President, attestation by your attorney, and then it will be forwarded back to the state for approval and then sent back to the county for recording at the Recorder's office.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. And your second item?

Debra Bennett: The second item is the grant contract between the State of Indiana and Vanderburgh County for \$500,000 for construction of a new fire station to replace the one that was damaged by the November 6th tornado. This grant agreement needs to be executed by the Commission President and attested by the Auditor. In addition to that, there are three additional documents; a W-9 form request for federal taxpayer I.D. number, and two documents requesting, one by paper disbursement of funds and one by automatic deposit of funds, and both of those are to be signed by the Auditor.

Ted C. Ziemer, Jr.: Well, the other one has to also be signed by another person, doesn't it?

Debra Bennett: Oh, yes, by you, I'm sorry.

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

Debra Bennett: I'm sorry, the one for paper form is by the Commission President, and by the Auditor, and approved by you. The direct deposit is just by the Auditor.

Ted C. Ziemer, Jr.: Exactly.

Debra Bennett: Yes, sorry.

President Musgrave: Is there a motion to approve that contract?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Alright.

Debra Bennett: Thank you.

President Musgrave: Thank you.

**County Highway:
2006 Paving Update & FEMA Reimbursement Update**

President Musgrave: Mike Duckworth, County Highway Garage with a paving update.

Mike Duckworth: Good afternoon. Thank you for seeing me early on the agenda today. Just a quick update as to where we're at, as you well know, we held three county-wide road hearings, strategically located in each of our districts. We did have some involvement from the citizens and got some input, as well as other complaints that have been called in to our office, as well as sent to us by e-mail. We have gathered that information, as well as having our supervisors drive local county roads and checking the conditions of those roads. Today at the department head meeting I submitted you with a preliminary report on the conditions of some of those roadways for your perusal, and for you to take a look at those. I would just say to you by March 21st, which is a couple of weeks from now, John Stoll and I, the County Engineer, will put together some recommendations for your consideration as to what roads that we will resurface and repair this year. So, I wanted to get that information to you for your input and for your information, and just to tell folks at home that if there are roadways that they see that need some work to give our office a call at 435-5777. We'll take a look at those and evaluate the situation.

President Musgrave: So, these are roads in the county that need work, call 435-5777 over the next couple of weeks to get on the final paving list for the 2006 season.

Mike Duckworth: That's right.

President Musgrave: We're all looking forward to a good season.

Mike Duckworth: Last year we did somewhere between 32 and 33 miles. That did not include just the general patch work that we do. We also hope to have a pothole blitz. Hopefully, we're kind of out of the snow season now, but, you know, the deterioration that it causes to the roadways, with the ice and the snow and the warming and the heating, and, so, the first couple of weeks of April we'll be receiving calls and have a pothole blitz to where we can go out and patch some of the smaller areas and get ready for our paving season.

President Musgrave: But, we'll have a more formal announcement at that time—

Mike Duckworth: Yes.

President Musgrave: —of the pothole blitz dates—

Mike Duckworth: Right.

President Musgrave: —and the phone number, the e-mail?

Mike Duckworth: Exactly.

President Musgrave: Okay.

Mike Duckworth: One last thing, I wanted you to know, give you an update on our FEMA money. We did receive documentation in the mail today to verify the monies that we will be reimbursed for, and I have signed those documents and sent them back to FEMA. Upon their receipt of that information and my signed documents, they will disperse the checks. So, I anticipate that that will be in within the next couple of weeks. I think Mr. Ziemer has an extended agreement with the insurance provider, or the property owner that those monies will be in by, I think it's March 15th, isn't it, Ted?

Ted C. Ziemer, Jr.: I believe so.

Mike Duckworth: Okay, so, I would say by, you know, the second or third week of this month we'll tie all of that together as well.

President Musgrave: Wonderful. Any questions of Mr. Duckworth?

Commissioner Nix: No.

President Musgrave: Alright, thank you.

Mike Duckworth: Thank you.

Commissioner Nix: Thanks, Mike.

<p style="text-align: center;">Resolution No. CO.R-03-06-005: Resolution Regarding Sale of Property to Abutting Property Owner</p>

President Musgrave: We have the permission to advertise the sale of 5500 Bayou Creek Road. Is, Mr. Ziemer, are you handling that? Or is Ms. Schymik here to do that?

Ted C. Ziemer, Jr.: I'm not.

President Musgrave: Okay. Commissioners, we own 5500 Bayou Creek Road, and the neighbor would like to buy it.

Ted C. Ziemer, Jr.: Wait a minute. I'm sorry, Madam President. I thought you were, let's see, is this the same....wait just a second. Don't we have also on the agenda—

President Musgrave: No, that was taken off.

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: Riger, is that?

President Musgrave: Oh, I don't know if that's the name of the potential buyer or not.

Ted C. Ziemer, Jr.: Just a second.

President Musgrave: It is also down here under four in County Commissioners.

Ted C. Ziemer, Jr.: Under which?

President Musgrave: Four in County Commissioners. There's a resolution regarding sale of property to—

Ted C. Ziemer, Jr.: Okay, that's the one I'm familiar with. If that's the same as you're talking about here, I'm not sure.

President Musgrave: One is permission to advertise, and one is the resolution.

Ted C. Ziemer, Jr.: I'm sorry, I thought they would both be handled at the same time.

Commissioner Nix: We could table this until next week, next week's meeting.

President Musgrave: I think we're ready to go.

Commissioner Nix: Okay, if we're ready to go then.

Ted C. Ziemer, Jr.: Two actions, one is to resolve to sell the property to an abutting land owner pursuant to the offer that we have received.

President Musgrave: Uh-huh.

Ted C. Ziemer, Jr.: And the second one is to authorize the advertising.

President Musgrave: Right.

Ted C. Ziemer, Jr.: So, that really one comes before the other.

President Musgrave: So, why don't we go ahead and do the resolution first, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Is there a motion for the resolution regarding the sale of property?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

**Permission to Advertise: Notice of Sale of Real Property:
5000 Bayou Creek Road**

President Musgrave: Now, a motion to advertise the sale of 5500 Bayou Creek Road?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion is carried. We move now to other permission to advertise, Purchasing.

Ted C. Ziemer, Jr.: I'm sorry about this confusion. 5500, the property that I am referring to, which is for, we have an offer for the property is 5000 Bayou Creek Road. I don't know anything about 5500 Bayou Creek Road.

President Musgrave: I've now looked at my notes, and it's the abutting property of 5500. So, that would probably make it 5000.

Ted C. Ziemer, Jr.: Okay, we have a resolution which I did send and it's in the file, which would be a resolution that you would adopt regarding this property, Madam Commissioner.

President Musgrave: Which we did.

Ted C. Ziemer, Jr.: Okay, by that vote, okay. That will need to be signed. And then there is a notice of the sale of the property to be advertised.

President Musgrave: Okay.

**Permission to Advertise:
APA-014-2006: Traffic Paint & APA-015-2006: Traffic Signs**

President Musgrave: Mr. Lawrence?

Phil Lawrence: Madam Chairman, Mr. Nix and Shetler, I would like your permission to advertise APA-014-2006, which is traffic paint for the city and the county, and APA-015-2006, which is also the traffic signs for the city and the county.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Proceed with advertising.

INDOT Letter: I-164 & Lynch Road Interchange

President Musgrave: Under the County Commissioners agenda we have a letter to Sam Sarvis, our District Director of the Indiana Department of Transportation. Mr. Stoll is here to answer any questions you may have. Basically, as he's coming up,

this is a letter in response to a letter that we received from INDOT offering to swap maintenance and obligations for two roads.

John Stoll: Back a few years ago the county had requested INDOT to assume the maintenance of the Lynch and I-164 interchange. Initially we never received a response, and then we got the response from Sam Sarvis, and it basically reiterated some previous verbal conversations where they had asked the county to assume the responsibility of 57. So, once we received Mr. Sarvis' letter, I worked with the Evansville Urban Transportation Study to gather some data to show that 57 will still need to be widened to four lanes, even after I-69 is built. That will be a \$25 to \$30 million project when it's needed. I think it was 2025 was when EUTS was recommending it. That's too much of a financial burden for the county to assume without an exchange for the maintenance of the interchange. So, basically, I wrote the letter to identify that as well as the fact that INDOT has seen some traffic flow benefits on Morgan Avenue as a result of the county's construction of Lynch Road. Basically, there's been traffic diverted from Morgan to Lynch, and that traffic diversion will even increase in the future once Lynch opens up out to 62 in Warrick County. So, I tried to elaborate on all those reasons why it's not in the county's best interest to take on 57, as well as INDOT has seen some benefits as a result of the county's project, and, therefore, they should assume the maintenance without stipulating that we have to assume the maintenance of Highway 57.

President Musgrave: So, basically, we feel that the county paid for the interchange at I-64 and Lynch Road with county funds, plus some other funds, and we feel that just giving that to the state should be enough of a swap. But, we are willing to entertain other swaps if INDOT would like to propose them, but we will not take over the maintenance of Highway 57 in exchange for giving the state this interchange. From what I understand, every single other interchange is maintained by the state, and this one is an anomaly here in Vanderburgh County that the state feels we should continue to maintain it.

John Stoll: I've never seen any documentation that says that any other interchange on the interstate system anywhere in Indiana is maintained by a local government. On 164 all the interchanges are maintained by INDOT, so, it's definitely the exception and not the rule as far as things go here. I can't imagine that really is done any differently anywhere else in the state.

President Musgrave: So, there's a letter in the packet and I would just need a motion to sign the letter.

Commissioner Shetler: Question, what is included in the interchange? I mean, is that also the ramps?

John Stoll: Yes.

Commissioner Shetler: Or at what point—

John Stoll: Basically, the ramps, everything between the ramps.

Commissioner Shetler: Everything between the ramps and then the new highway that goes over—

John Stoll: Yes.

Commissioner Shetler: –164? Including the supports that support the bridgework?

John Stoll: Yes.

Commissioner Shetler: Whatever you want to call that there.

John Stoll: Some of the data I've seen, they already list the bridge on their inventory, but, the ramps are not. And the way the right-of-way's been mowed by INDOT's mowing contractors, it looks like they try to go down where the old right-of-way lines were before the ramps were constructed on the interchange. So, they mow, if you extended the right-of-way fence straight through the interchange projects, they are mowing part of it but not out to the full limits of where the ramps are now located.

Commissioner Shetler: And how much money did the county spend? Do you have any, can you approximate just for that interchange for example?

John Stoll: The interchange construction cost about \$7.5 million. The project was funded with federal funds, so it was 80/20, so our share would have been a million and a half. Off the top of my head I don't know what the right-of-way design costs were, but in conjunction with that, as far as the diversion of traffic to Lynch Road, the county also has probably eight to nine million dollars in construction in the segment between Oak Hill to Burkhardt. There again, there's substantial right-of-way dollars and design dollars associated with that too that I don't know off the top of my head. Then the segment out to Warrick County is another four plus million dollars. So, there's been significant amounts of county dollars, as well as county allocations of federal aid dollars have gone in to the project.

Commissioner Shetler: Alright. Okay, thank you. I'll move approval.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Severe Weather Awareness Week Proclamation

President Musgrave: Severe weather awareness week proclamation. Would you like to come up and explain? Commissioners, would you like to read the proclamation, or just?

Adam Groupe: Good afternoon. This week, not only in the City of Evansville and Vanderburgh County, excuse me, but state-wide is severe weather awareness week. This is something that we do every year to raise the awareness level among the citizens and the emergency responders of the threat of severe weather that we have here in the Tri-State. We feel that it's a little more timely perhaps this year with what happened in November. Everyday has been awareness week day for storms lately, we would like to keep that rolling. There's some initiatives that we're doing. We've recently added the four new sirens out in the county. In addition to what Channel 25 is doing with Buy-Low with weather radios, we're also working with the state to put more weather radios out. This proclamation is something that we ask that you do.

Commissioner Shetler: Thank you. Whereas, there's several whereas' here, so, Severe Weather Awareness Week is March the 5th to the 11th:

"Whereas, Indiana is vulnerable to severe storms throughout the year; and, Whereas, spring in Indiana brings with it the likely occurrence of severe thunderstorms and tornadoes; and, Whereas, the months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Vanderburgh County; and, Whereas, Vanderburgh County is located within the Nation's tornado belt, becoming a prime target of devastating tornado outbreaks and other types of severe weather; and, Whereas, the extremely devastating tornado of November 6, 2005 occurred in Vanderburgh County; and, Whereas, the statewide tornado warning exercise will be held on March 8, 2006 for the purpose of testing communications systems, equipment, and procedures; and, Whereas, 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. Now, therefore, we, the Commissioners of Vanderburgh County, do hereby proclaim March 5-11, 2006 as Severe Weather Awareness Week in Vanderburgh County and encourage all citizens to become aware of tornado danger and signs and learn how to safeguard the lives of their families, friends, and citizenry in the event of severe weather activity in our area."

As a side note, I would just say, probably the most important thing is, is to heed the warnings. Something that we haven't always done. Sometimes we take it for granted. We think it's going to happen to another part of town, or another part of the state, or another part of the country. We learned from last year that it can happen to us. So, heed the warnings.

President Musgrave: Another thing that I would like to emphasize is for people to purchase the weather radios. They give you the same information that is given to the news media, at about the same time.

Adam Groupe: Exactly the same time.

President Musgrave: Exactly the same, that is the information that is given to the media.

Adam Groupe: Same data stream.

President Musgrave: So, you can hear it when it's being told to the folks who would normally tell you on your t.v. or your radio. Although, I like to have all the sources, I want to make sure that I miss nothing. But, the weather radios are crucial. They will wake you up in the middle of the night, and your t.v. and your radio, sadly, will not do that.

Adam Groupe: And, as you mentioned during the press conference yesterday, the new technology will only wake you up when it affects you.

President Musgrave: That's right.

Adam Groupe: You no longer have to hear these storms travel across Missouri, and Illinois and then beyond us. These new radios, you only put the county that you live

in, and maybe the county to the south, the county to the west, and maybe the county to the north, and you are only bothered when it really affects you. Because the old technology, unfortunately, people would hear these storms go across three states, and after that first storm, they would unplug them, turn them off, because they were too annoying. That's what drove this new technology.

President Musgrave: Let's have a motion to adopt the Severe Weather Awareness Week Proclamation.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I've also got this nice certificate—

Adam Groupe: Yes.

President Musgrave: —suitable for framing, which it's already framed, talking about our storm ready certificate of re-accreditation.

Adam Groupe: Yes, this is our third cycle of accreditation. Storm rating is a program of the National Weather Service, where they come in to a community and they have a three page set of standards that a community has to meet 100 percent. We were the second storm rated community in the state of Indiana, and we're the first one certified by the National Weather Service in Paducah.

President Musgrave: That's wonderful. I think it reflects the good work that your office does for the people of Vanderburgh County.

Adam Groupe: Thank you, but it's not only us. They went over to Dispatch, they look at the Dispatch procedures, our warning siren system, which, of course, we partner with Dispatch in maintaining and using. They look at the schools, it's really a community award, it's not just EMA.

President Musgrave: Well, well done.

Commissioner Nix: Good job.

President Musgrave: Thank you.

Adam Groupe: Thank you.

**Resolution: CO.R-03-06-006:
Adopting the National Incident Management System (NIMS)**

President Musgrave: And you're also here to talk about the National Incident Management System resolution.

Adam Groupe: Yes, for those of you that are not familiar, NIMS, like you said, is the National Incident Management System. It's really not an entirely new concept. It's three quarters of something that we've been doing for years, started in the fire service with what we call the Incident Command System. It's really moved to be a standard in all of public safety. We have done that here in Vanderburgh County since 1980 sometime, minimum. Probably the fire service has been doing it since the late '60's. So, it's not something entirely different from what we do. The federal government though, Presidential decision directive, I believe it was 39, said that, and President Bush also issued a few after that saying the same thing, that we will operate, nationwide, in a National Incident Management System. To put teeth to that, unfortunately, or fortunately, since it's a good idea, in order to receive any further federal funds after 2007, every governmental entity, municipal entity must adopt the National Incident Management System. Our county is now working towards compliance. This is one step in that compliance process. Public safety people from the nine disciplines are currently training to the required levels of the National Incident Management System. Again, this resolution is part of that process that we'll be considered compliant.

President Musgrave: Okay. Is there a motion to adopt this resolution?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

Commissioner Nix: Thank you, Adam.

President Musgrave: I hope that this week's threatened severe weather passes us by. That we get some rain out of it, but—

Adam Groupe: We will definitely be getting some rain. Tomorrow evening and Thursday could be interesting.

President Musgrave: Wonderful.

Adam Groupe: Thank you.

Open Burning Emergency Declaration

President Musgrave: The EPA burn ban. Dona Bergman.

Dona Bergman: Thank you, Commissioners, for inviting me to your meeting. My name is Dona Bergman, and I'm the Director of the City of Evansville's Environmental Protection Agency. I am charged with, among other things, regulating open burning in the City of Evansville and four miles beyond the city limits, but not outside of Vanderburgh County. I work in cooperation with the Suburban Firefighters Association and the Evansville Fire Department. Those people who are out in the field and on the front lines fighting fires tell me when conditions are getting

too dry, and when they're having to chase a lot of brush and grass fires around the county. When they ask me to call a burn ban, I do so. Which I did at the Suburban Firefighters Association's request on March 2, 2006. I appreciate your support and consideration of an open burn ban. I'm aware that we expect rain, especially Wednesday and Thursday, and maybe some even through the weekend. I spoke with Chief Kahre over at Scott Township yesterday morning, after I was invited to this meeting, and we believe it would still be beneficial to call a burn ban for the remainder of the county. If we get a lot of rain, people aren't going to be burning anyway. So, the burn ban is not really going to inconvenience anyone. If we don't get rain, then we'll, obviously, still need the burn ban. We know it's going to be scattered showers and scattered thundershowers, so, there may be portions of the county that get more rain than others. So, what we would propose to the Commissioners would be for you to call a burn ban for the remainder of the county until March 14th at your next meeting, at which time we can, I'll have talked to the Suburban Firefighters and the Evansville Fire Department and they'll be able to give us a recommendation if things are wet enough.

President Musgrave: Can you describe exactly what is banned and what is permitted?

Dona Bergman: It's all open burning on the ground. That would include recreational fires. It also includes burn barrels, because sparks will fly up out of those, agricultural and ditch clearing, any previously approved open burn variances in Evansville EPA's jurisdiction, and any previously approved air curtain incinerators. Those are the big pits that they dig, all of those are banned while the burn ban is going on. In the case of the open burn variances and the air curtain incinerators, folks do pay a fee to have those, and we can extend those variances or incinerator permits an additional two weeks without charge after the burn ban is over.

President Musgrave: Okay. Any questions? Is there a motion?

Commissioner Shetler: So moved.

Ted C. Ziemer, Jr.: I do. I noticed that the declaration says it's "until further notice". Are you going to come back and say when it can be lifted?

Dona Bergman: I defer to the Suburban Firefighters and the Evansville Fire Department—

Ted C. Ziemer, Jr.: I guess, what I mean, will you notify the Commissioners?

Dona Bergman: Oh, absolutely.

Ted C. Ziemer, Jr.: Okay. Thank you.

President Musgrave: You'll come next week?

Dona Bergman: And I will be happy to come next week.

President Musgrave: Alright.

Dona Bergman: Thank you.

President Musgrave: So, we have a motion—

Commissioner Shetler: So moved.

President Musgrave: –is there a second?

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you.

Agreement for Bulk Distribution of Data or Compiled Information

President Musgrave: Contracts, agreements and leases. The bulk data transfer agreement. Attorney Ziemer, would you like to express any thoughts for the record on this?

Ted C. Ziemer, Jr.: This is, the county is interested in being able to sweep the court records regarding county employees to learn of individuals who are, I guess, convicted of crimes that might somehow impinge on their ability to satisfactorily perform their duties as employees of the county. The courts, Vanderburgh Superior Courts and Circuit Court have indicated that they would be willing to agree to such sweeping if two things occurred; one, there would be a bulk data distribution agreement entered into between the county and the administrator of the state courts, and that agreement we have before us today, and it's satisfactory for execution. The second part of that is the courts indicated that they would provide additional stipulations that they would want to be in effect relative to this before it would go in effect, and they have not yet provided me with that. But, you do have the bulk data distribution agreement today, which would be the first step.

President Musgrave: Alright, is there a motion to adopt the bulk data transfer agreement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. I know that took a long time to achieve this part. We'll at least be one step closer to the information that this will provide to us.

Youth Care Center: Detention Services Agreement

President Musgrave: The Youth Care Center agreement. Commissioner Nix, I understand that you have an explanation.

Commissioner Nix: Yes, after quite some time of working with the County Attorney and the people from the Youth Care Center, I'm happy to have in front of us today a document that will put this all in place. I know, I guess, in last year's budget

hearings the County Council had appropriated some money to actually get this thing going, and we've got that in place. This will include a 36 bed detention facility for the youth care in this area. It does a lot of things, if it doesn't save the county any money at all, which I think it will in the long run, it's going to bring all of the children, or the juveniles that we've had incarcerated in a lot of outlying facilities around Vanderburgh County, as far away as maybe a hundred miles or so all put back in Vanderburgh County, closer to their parents and their loved ones. It's a good program. I'm happy to say I was a part of it. I would like to make a motion that we approve this today and move forward with this.

Commissioner Shetler: Second.

President Musgrave: We have a motion and a second. All those in favor?

Commissioners: Aye.

President Musgrave: I think that this is an extremely exciting day for Vanderburgh County. I know that people have been working on this project for literally decades. So, I'm looking forward to the benefits that that would bring to our county.

Subgrant Application for Day Reporting Drug Court

President Musgrave: Subgrant application for Day Reporting Drug Court. I understand that you've reviewed this application?

Ted C. Ziemer, Jr.: I have, and it is satisfactory for execution, if approved by the Commissioners.

President Musgrave: Motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Health Department: SPSP Grant Response to RFP

President Musgrave: Health Department, SPSP grant. This provides for an HIV counselor with federal funds, I understand.

Ted C. Ziemer, Jr.: The Health Department has received a request for proposal, and this is the proposal that they are making for this grant. What the Commissioners are asked to approve today is the signing of this by the Auditor.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Sheriff: Federal Annual Certification Report

President Musgrave: Sheriff Department federal annual certification report. I understand that you've reviewed this, Mr. Ziemer?

Ted C. Ziemer, Jr.: I have, and it's satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Sheriff Department: Farm Land Lease Agreement

President Musgrave: The Sheriff's Department farm land lease agreement.

Ted C. Ziemer, Jr.: Yes, I, for a number of years farm land owned by Vanderburgh County and held for the use of the Sheriff has been leased to this individual for use as farm land. We took the agreement as it has been in the past and made some revisions to it. You have it before you and I recommend it's satisfaction for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

SMG: The Centre: Prime Site Award

President Musgrave: I would like to welcome John Bolton from SMG, who manages the Centre for us.

John Bolton: Good afternoon. I'm John Bolton, I'm General Manager at the Centre. It's my pleasure today to announce that the Centre, more specifically the auditorium located within the Centre was recently recognized as the winner of a Prime Site Award as one of the top entertainment and meeting facilities in North America. More specifically, we were one of 26 theaters in the Nation to be selected for this award. I quote, "The award winners consistently deliver the best in all categories, including; customer service, maintenance, food and beverage, technological capabilities, quality of staff, attractiveness of the facility, seating, ease of setup and breakdown." The awards are given annually, and they are voted upon at those meeting and event

planners, there's booking agents and promoters who use the facility on a regular basis. So, it's a great honor for us to receive the award. Some of the other theaters in the category that received the award, for example, the Kodak Theater in Los Angeles, which just hosted the Academy Awards, as well as the Chicago Theater in Chicago. So, it's a great group to be among, and we're proud to announce that to you.

Commissioner Nix: Do you think we could get the Academy Awards here in Evansville?

John Bolton: I wish, but you know we're going to get close to that with the Kenny Rogers Live DVD taping, you know.

Commissioner Nix: I understand there's also another concert. I think tickets go on sale Friday for that concert.

John Bolton: Yes, there are two concerts that go on sale Friday. James Taylor goes on sale Friday at 10:00, and Kenny Rogers goes on sale Friday at 11:00.

Commissioner Nix: Great.

John Bolton: So, it's been a very good year. I'm also pleased to report today that the Convention and Visitors Bureau approved a joint study between our organization and the CVB in creating a unified sales strategy for the Centre. So, we're very excited about that development. Commissioner Musgrave has been very involved with that. I'm very excited about that development. It's kind of been months in the making, and we're very excited about that as we move forward in trying to attract more conventions to our community.

Commissioner Nix: Congratulations.

John Bolton: Thanks.

Commissioner Nix: Congratulations, Commissioner.

President Musgrave: Thanks. Well done, John.

County Engineer

President Musgrave: We have John Stoll, County Engineer, with several agreements and requests.

John Stoll: First, I would like to request approval of an agreement with Bernardin Lochumeller and Associates for the right-of-way engineering and right-of-way acquisition services for the segment of the University Parkway between Marx Road and Diamond Avenue. The cost of the agreement is \$130,000. The County Attorney has reviewed the agreement and was okay with it. So, I would request your approval.

Commissioner Nix: This would be funded out of?

John Stoll: The CCD line item that we have now.

Commissioner Nix: Okay, thank you.

John Stoll: Then, ultimately, once we start buying the right-of-way, then we can start using some of the federal monies that were obtained through the lobbying efforts last year.

Commissioner Nix: Thank you. Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

John Stoll: Second, I would like to request approval to go to County Council to transfer \$400 from the Stockwell Road culvert project to the Repairs to Buildings and Grounds account. Both of these are in Cumulative Bridge. This is to cover the cost of reimbursable expenses in the agreement with Hafer and Associates for the renovations to the Room 305 of the Old Courthouse. Basically, when we got the P.O. , we didn't put any additional money for reimbursable expenses. We've received one invoice already for reimbursable expenses for about \$125-\$150. So, just put a little bit more in there to cover any more that we might see.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Third, I would like to request approval of accepting Interchange Road South for maintenance. This is 1,300 linear feet of Interchange Road South, from Burkhardt Road east to a segment that was accepted for maintenance last year.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like to request street plan approval for Mystic Bridge Planned Unit Development. This is a development located on the west side of Green River Road just south of the Timbers Apartments. There will be condos in this development. We have reviewed the plans and recommend approval.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Also, in conjunction with that same development, the consultant has requested a sidewalk waiver on that particular site, and I would recommend approval of the sidewalk waiver.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like to request your approval for me to sign off on a certification form that's to be submitted to the Indiana Department of Environmental Management. This is in regard to the Rule 13 storm water requirements. This certification form basically states that the county has adopted an ordinance to deal with the construction runoff controls and that everything was prepared under the supervision of the MS4 Operator, and through the paperwork I was designated as the MS4 Operator. So, they request my signature on this form.

Commissioner Nix: Congratulations. So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

John Stoll: That's a title I would be more than happy to pass on to somebody else.

Commissioner Nix: You're the right man for the job, Mr. Stoll.

John Stoll: Thanks. In conjunction with that, we are in the process of working with the Soil and Water Conservation District to transfer the construction plan review and inspection program from their office to my office starting April 3rd. So, I'll keep you updated on that as we make progress with that. Then, the last thing that I have is just to let you know that we're in the process of putting together a contract to do some embankment repairs due to some erosion and scour on New Harmony Road. This is located just west of Allen's Lane, and we'll have those quotes submitted at next week's meeting.

President Musgrave: I was going to bring this up under Old Business, but now might be a good time. I've been informed that Southern Indiana Higher Education met yesterday, and that they have approved the Commissioners request to allow the

engineer to go on to the Burdette Park bike path proposed site and begin that engineering work. So, you can give the engineer the notice to proceed. I would like to thank SIHE, as it is known, for meeting. Normally they only meet once a year, and they met for a second time to consider our request. I would also like to thank them for viewing our request for the right-of-way favorably. I think this is a huge step in the progress of the Burdette Park bike path. So, tell them to get cracking on the legal descriptions.

John Stoll: I'll get the notice to proceed sent out tomorrow.

President Musgrave: Alright. Thank you.

Commissioner Nix: Thanks.

John Stoll: Thanks.

Burdette Park

President Musgrave: Steve Craig, Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I have a change order for project VC02-2006, the Bishea Building renovation. I had requested that an existing exit door for the Bishea Building be reused as an exit door on the project. The door was a seven foot door and the frame would not fit under the existing header. So, therefore, we need to put a 6' 8" door which we would have to purchase at \$247.25, and we do have the money to cover this change order.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Steve Craig: I would like to give you, at the time, a quick run down on some of the projects that we are working on right now at Burdette. We are, as I mentioned with the change order, we are remodeling our Bishea Building and enlarging it so that we can accommodate larger crowds, and also installing central heating and air in it, which we think will be a lot more efficient and save us some money in the long run on our utilities there. At the present time, the building has been enclosed, the section that we're expanding to and the duct work for the heating and air has been installed. We're waiting for the air handler to be delivered, and the job is on schedule. Another project that we're working on right now is the pavilion restrooms, which are not only handicapped accessible, but they are tornado proof. They are coming on schedule also. The plumbing, the electric has been roughed in and the block is just about to be finished this week. So, we're doing good on this. The weather has been permitting us to move along with these portions of the projects. The other main project that we've got going is a concession stand and shade pavilion that we are installing on the back side of our aquatic center. This will be in conjunction with the new spray park that is being installed back there this spring. The

footers and the piers have been poured for the shade pavilion, and the block build, or the frame building has been roughed in with the electric and plumbing, and they're getting ready to start the framing on it right now. Any other questions?

Madelyn Grayson: Do you have the change order for the Commissioners to authorize today?

Steve Craig: I had sent it in earlier in the week. I don't know, has it been...I have one here.

President Musgrave: Okay.

Steve Craig: Thank you.

President Musgrave: We already made the motion for that?

Commissioner Nix: Yes.

President Musgrave: Okay, good.

County Attorney

President Musgrave: County Attorney, the Mary Hart lease.

Ted C. Ziemer, Jr.: No. I don't have anything on the Mary Hart lease. ARAMARK.

President Musgrave: Do we need to confirm, with a vote today, our notice of termination of that lease?

Ted C. Ziemer, Jr.: I gave notice of termination. So, there's nothing to confirm.

President Musgrave: Alright.

Ted C. Ziemer, Jr.: Good.

President Musgrave: ARAMARK agreement then. Would you like to discuss the ARAMARK agreement?

Ted C. Ziemer, Jr.: Yes. Earlier we reviewed and made some suggestions for really filling in the blanks in the ARAMARK agreement. Since then, Eric Williams has been working with ARAMARK to get that completed. They have done that. I've reviewed the completed document. ARAMARK has signed three copies of the documents, and I have the original signed copies here to give to Madelyn, should you decide to approve it today.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Are there any other department head reports? Mr. Ziemer, do you have anything further?

Ted C. Ziemer, Jr.: No, Ma'am.

President Musgrave: Let's hold now while we change the tape.

(Tape Change)

Madelyn Grayson: Thank you.

Old Business

President Musgrave: Are we all set?

Madelyn Grayson: Uh-huh.

President Musgrave: All three Commissioners attended the Major Moves rally in Indianapolis this Tuesday, last Tuesday. Would you like to give an update on the status of that?

Commissioner Nix: Yes. We had a real nice turn out there, and I think there was six busloads, maybe five going up and six coming back, busloads, a lot of representation from this area; Vanderburgh County, Posey and Warrick County, and really southwestern Indiana. There were probably five or six speakers and it was just a good day, good representation from this area. Right now, today, there are a couple members of the House and Senate and they are doing some meetings, I guess, behind closed doors to hammer out the details, but, I guess, the bottom line is that anything besides the original plan, it's my understanding, this whole project could get thrown off track to the tune of two to three years and \$60 to \$100 million. So, we're really asking anybody that's listening, anybody's that's interested in seeing this project move forward to contact your legislators and make sure that they understand how you feel. This is a very, very important project for us and for the county and for southwestern Indiana. So, once again, if you can call and talk to your legislators and let them know your feelings and move this thing forward.

President Musgrave: Not only does the Major Moves proposal include I-69, which I think is key to the future of our community here, but we added up all the road projects that would be funded by Major Moves, if it went forward, and if my memory serves, there are \$84 million worth of road projects in Vanderburgh County and the City of Evansville that will be accomplished if we got Major Moves. I want I-69, I want \$84 million worth of projects. Please encourage your state legislators, and any other state legislators that you know, or care to spend time calling, e-mailing, talking to in person, Evansville and southern Indiana need this.

Commissioner Shetler: In addition to that, I think it's important to point out that Indiana, while we're not the first to embark upon this kind of financial arrangement of leasing out the toll road, there are others that have done it before us, we are certainly one of the first to do it. Next year there will be many, many more. As more and more come to that trough, it will spread the monies thinner, we will not get \$3.85 billion dollars the next go around. We'll be lucky to get half that amount of money. So, if we want this road built, we have to get it and get it now, while the getting's good. In addition to that, there are some that are arguing that perhaps we should

have another study done on it, that would mean throwing out \$45 million of studies that have already been done. \$45 million is a whole lot of money, plus a three to five year delay, plus another \$100 million to redo those studies that were done on old monies. So, there's no doubt, it's now, and now is the time, and we need to get it going. Too much is riding on it for southern Indiana.

President Musgrave: Thank you. Another piece of old business is to hand over to the Auditor a check that we received for a piece of mowing that I believe had caused consternation in multiple county offices for several years. We finally, with the help of attorney Don Fuchs and his client tracked down the appropriate owner of that property, we billed them, and we have here today the check for the mowing in the amount of \$4,530. I turn that over to the Auditor. I would like to ask the Auditor, if possible, since this was done out of the County Highway's budget, to determine whether any part of this can go back in to reimburse that department for the expenses incurred in cutting this piece of property. I believe that they did it more than once.

Bill Fluty: I'll have to review where it was paid out of originally.

President Musgrave: Okay.

Bill Fluty: And then look at that, and I'll get back with you.

President Musgrave: Thank you very much. I'm proud of our staff person, B.J. Farrell, and Sheryl Lemmer of the Building Commissioners office who had to work, sometimes for years, to reach this happy day of getting that mowed, and, hopefully, now that we have the ownership issues all settled now, we won't have to mow it anymore, and the owner will take it from here.

Public Comment

President Musgrave: We've reached the item on our agenda for public comment. Are there any members of the public who wish to comment on anything the Commissioners have authority over? I see no one.

Consent Items

President Musgrave: Consent items.

Commissioner Nix: Move approval of the consent items.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Is there any further business? Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (3)	Sheriff Office (2)	VCCC (2)
Circuit Court (1)	County Clerk (1)	Health Dept. (2)

Travel Requests:

Auditor (1)	Commissioners (3)	Health Dept. (4)
-------------	-------------------	------------------

Burdette Park: 2005 Year End Report and Cost Analysis.

Circuit Court: Surplus request: printer cabinet.

Auditor:

Transfer request: flat panel monitor.

Surplus request: monitors, hanging file folder cart.

Fixed asset listing by department.

Commissioners:

Letter to DNR for Urgent Need Grant.

Habitat for Humanity Letter.

Disabled American Veterans Letter.

County Engineer-Old Courthouse Lease Agreement.

Veterans Services-Old Courthouse Lease Agreement.

Artwork Unlimited-Old Courthouse Lease Agreement.

IBAP Gatekeeper-Monthly Report-February 2006

Union Township Trustee 2006 Poor Relief Guidelines

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	CIO
Veterans Services		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Debra Bennett	Mike Duckworth	Phil Lawrence
John Stoll	Adam Groupe	Dona Bergman
John Bolton	Steve Craig	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 14, 2006**

The Vanderburgh County Board of Commissioners met in session this 14th day of March, 2006 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Alright, I'm going to call to order the March 14, 2006 Board of Commissioners of Vanderburgh County. We'll start with introductions to my right.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

Kathryn Schymik: Kathryn Schymik from the office of the County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you'll join me in the Pledge of Allegiance.

Approval of the March 7, 2006 Commission Meeting Minutes

President Musgrave: We have the prior minutes of March 7th to approve.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**County Engineer: Permission to Open Quotes:
VC06-03-01: New Harmony Road Embankment Repair**

President Musgrave: Our first action item is the permission to open quotes from the County Engineer. That's VC06-03-01, New Harmony Road embankment repair. 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. If the attorney would please begin to open those.

Polling Place Advisory Committee: Poll Recommendations

President Musgrave: I'm pleased to welcome Mr. Mark Foster. Is Mark here?

B.J. Farrell: He did call, and he's on his way.

President Musgrave: Well, he asked to be first, so, we'll just have to move him back.

B.J. Farrell: Well, sometimes court gets in the way.

Commissioner Nix: Is that him? There he is.

B.J. Farrell: Here he comes.

President Musgrave: Oh, here he comes. You're just in time to give us your update on the polling place recommendations. Mr. Foster is the Commissioners appointee to the Polling Place Advisory Committee, and is here to advise the Commission on where we will be voting, hopefully, in May and November this year.

Mark Foster: Thank you. I'm Mark Foster, Vice Chair of the Polling Place Advisory Committee. I think everybody's got a list of the polling places. The ones that are highlighted are the changes, and everything's been finalized, particularly in 2-1, just finalized this morning with Nativity Church. Then in Center two others have been confirmed, Bethlehem in C-4 and C-8 McCutchanville Fire Station. In K-2, from Indian Woods back to Angel Mounds, I think Angel Mounds was under renovation last year, and that's been confirmed that they do want us back, and the people in the precinct want to go back. So, I think everything else is...so, we would ask the Commissioners to adopt the list as presented.

President Musgrave: Are there any questions or comments?

Commissioner Shetler: I would like to point out that the committee has put in a tremendous amount of time and effort in to deciding on the places and the locations, with a tremendous effort on making sure that these are all accessible for disabilities. So, we have complied, I think, pretty much with the new state mandates on all of these precincts that we possibly can. We've used schools as often as possible, and churches in other circumstances.

Mark Foster: Right.

Commissioner Shetler: But, they're no longer in homes and garages and in back alleys and stuff that you used to find polling places. These are government buildings, and I think you'll find that they're in good professional locations with parking lots.

Mark Foster: Well, they're almost always schools, government buildings, churches, a few apartment clubhouses, but, and, hopefully, within the next year there may be

some modifications, depending on some negotiations with the School Corporation, but, it may open up some more avenues there.

Commissioner Shetler: A perfectly good example of one, is one that used to be at the County Garage. This was a change that was made even as late as today, and that is going to be in the McCutchanville Fire, hose house just right down the street on St. Joe Avenue. So, most of these were changes that were within blocks of the old locations, but, again, a lot cleaner, a more desirable location, in many cases they have bathroom associated with them, which they didn't always have before. For 12 hour days that works out well.

Mark Foster: Like I say, others that we've had problems with in the past that were very unaccessible, stair, narrow staircases, they're not handicap accessible. We've moved a few of those to make them more accessible. So, I really think, and we've taken a lot of input from the Count Us In people and HAVA to get everything accessible.

President Musgrave: Commissioner Shetler, I know that you've put in a number of hours working with the committee, and I want to thank you for your efforts. I appreciate the committee's efforts. Ms. Farrell, I know, serves on that as well. So, would you please extend our thanks to them?

Mark Foster: I will.

President Musgrave: Is there a motion to approve the polling place locations?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Mark Foster: Thank you. Sorry I was running a little late.

President Musgrave: That's alright.

Vision-e Update

President Musgrave: Vision-e update. We will move past that.

Dona Bergman: City EPA: Burn Ban Update

President Musgrave: Dona Bergman, the burn ban update. Is Dona here?

Commissioner Shetler: Flooded out.

Commissioner Nix: She couldn't make it, high water.

President Musgrave: Commissioners, do you see any reason to continue the burn ban? Or would you prefer to waive it?

Commissioner Nix: I would say—

Commissioner Shetler: Let me think about this.

Commissioner Nix: The only problem we would have now is getting fire trucks to the fires with a lot of this road stuff.

Commissioner Shetler: Do we need a motion?

President Musgrave: I would say.

Commissioner Shetler: Okay, move—

President Musgrave: To lift?

Commissioner Nix: To rescind or lift?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Ms. Patty Avery for Girls in Bloom update. Dona, we just lifted the burn ban.

Dona Bergman: Thank you.

President Musgrave: Okay.

Dona Bergman: If you all want it to rain again just ask me to call a burn ban.

President Musgrave: That's what we'll do, but I don't think it will be anytime soon.

Dona Bergman: I would like to be of service.

President Musgrave: Okay.

Dona Bergman: You all have a good afternoon.

President Musgrave: You too.

Commissioner Nix: Thank you.

Commissioner Shetler: Thank you.

Patty Avery: Girls in Bloom 2006 Update

President Musgrave: Ms. Avery?

Patty Avery: Good afternoon. I'm here on behalf of the Girls in Bloom Committee to bring you a report of a tremendously successful event. I hope you saw the coverage in the newspaper, which was outstanding. Our coverage in the local media was excellent. Today we have Amy Walker from the Public Education Foundation, and Dorrie and Amy LoBue with us. Many of our committee members today send their regrets today, Jan Daviess, especially, Lu Porter, Nancy Kovanic, as we're all working women with families, you can imagine the number of things that come up. The Delaware Divas had hoped to be here today, but weren't able to work it out. We had, all together with adults and girls in attendance, we had approximately 500 people there this year.

Commissioner Nix: That's great.

Patty Avery: It was a tremendously successful event. Actually, when I walked in to the lunch room, which had been set for 490, and I saw how full it was, it took my breath away to see how the event has grown. We offered a total of about 60 workshops, we added workshops that last week, including one workshop for parents about the Girl Culture exhibit that's coming up. As I said, it was a day that exceeded our own expectations. To hear the girls, their feedback at the end of the day as well. We give out feedback forms, but this year we did them at lunch to make sure they got done, and their feedback was wonderful. Actually, on the comment, "What would you change about Girls in Bloom?", the highest percentage was nothing.

Commissioner Nix: Great.

Patty Avery: It's a great day. We've tabulated all of that. We would be happy to share that with you. We're in the process of tabulating the parent responses as well. I did want to share with you that we were honored by the Indiana General Assembly a week ago Monday. Representatives Crouch and Avery introduced this Resolution. It's very, very brief, I'll read it to you. It says:

"Whereas, Girls in Bloom is a day of art, writing, music and dance for 5th to 8th grade girls and their parents or guardians; Whereas, it is during this time of their development that young girls are searching for themselves and are faced with many challenges; Whereas, the girls who attend Girls in Bloom are encouraged to find ways to help everyone become aware of the challenges faced by adolescent girls today; Whereas, in the previous two years of the event, many of the participants have come away from the event feeling empowered and able to use their talents to express themselves in a positive way; and, Whereas, Girls in Bloom was created to help girls recognize their talents and establish and reach their goals; Therefore, be it Resolved by the House of Representatives..."

And all that good stuff. So, it was a wonderful day, the Divas joined us up there. When we were given the opportunity to go, we said, "What is Girls in Bloom without the girls who participate?", and the Divas have participated every year. So, just when I thought my fundraising was done, I got back on the phone and raised, we worked to raise the money for them to come up too. They had a wonderful day.

They got to tour the Statehouse, and had lunch and went to the Children's Museum after that. So, it was a very exciting day of empowerment for them to get to stand before the General Assembly. One little girl named Asia told them the things that she learned at Girls in Bloom. So, it was a wonderful day. I've brought you a copy of this. We're taking a breath. We're at work planning an event for the fall in conjunction with the Girl Culture exhibit, and it will be held, we'll meet at the museum and then we're working on a place to meet afterwards for high school girls. But, we're looking to expand and giving serious thought to the direction in the next year. But, we just wanted to come back and thank you once again for your support.

President Musgrave: The one comment that we received could be classified, I guess, as a jealous comment, in that someone expressed a desire that boys should have a conference of their own. So, I guess, we should take this as a challenge to those who would get together and organize such a conference for boys. I'm certain that the Commissioners would support that as well.

Patty Avery: Well, certainly our committee is willing to share the lessons that we have learned along the way, they've been many, and to share the resources that we've found to be particularly helpful. Actually, we've been really encouraged, one of the reasons that Representative Crouch asked if she could introduce this Resolution was she wanted to get the model out there for other communities to see. We've already been contacted by people who actually watched on the Internet or were in attendance and are asking us for information on how they can start a similar program. So, we're very encouraged. Again, thank you very much.

President Musgrave: Thank you.

Commissioner Nix: Thank you.

Commissioner Shetler: Patty, just real quickly, can you give a little bit of illustration how a couple of years ago when you started how many people you had attending, and then last year and this year? You said 500 this year.

Patty Avery: The very first year at the Old Courthouse we had a total of about 200, counting, and this includes the girls in attendance, teachers, parents, guardians, and all of our presenters and volunteers. The second year we doubled to 400.

Commissioner Nix: Wow!

Patty Avery: We held our breath and wondered what would happen this year, and we hit, as I said, we hit 500 this year.

Commissioner Nix: How many people did you take to Indianapolis? I was just curious.

Patty Avery: Um, out of our committee, I think about ten of us, and the Divas they brought 20 of them.

Commissioner Nix: Good.

Patty Avery: So, it got crowded back behind the podium that morning. If you want to look, if you'll go to the archive on the legislatures website you can see that. If you'll go to March 13th and click on, I think we're about 15 minutes in or something. But, again, thank you so much.

Commissioner Nix: Appreciate all your work on that.

Commissioner Shetler: Thank you.

**Maddison Seib: Public Health Emergency Preparedness:
Approval of Mutual Aid Agreement**

President Musgrave: Next on our agenda is Maddison Seib for the public health emergency preparedness. I believe you have an agreement for the Commissioners, is that correct?

Maddison Seib: A mutual aid agreement for District 10. I brought Dan Gettelfinger with me from the Indiana State Department of Health to speak to you about that.

President Musgrave: Thank you.

Dan Gettelfinger: Good afternoon. My name is Dan Gettelfinger, I'm an attorney with the Indiana State Department of Health. I can speak very briefly to the mutual aid agreement that's before you for your consideration this afternoon. The basic purpose for this is to provide a legal framework under which neighboring jurisdictions can render aid and assistance to each other when local ability or resources to deal with a situation are inadequate. The benefits of this type of agreement are mainly on the back end. As we saw recently with your tornados last fall, there's no reluctance or reticence on the part of the good folks down here to work across county lines to help each other, but what this can do is help you on the back side, in terms of avoiding disputes over reimbursements and issues that might arise having to do with civil liability. So, it can avoid post response administrative conflicts and litigation, and it can also help, have the added benefit of helping with planning and coordination and resource allocation between the local health departments. For example, one health department may choose not to lay in, you know, enough tetanus vaccine for something like a tornado, when they know they can go across the county line and borrow it from Warrick County and get reimbursed. So, that's the kind of situation that this was contemplated to deal with. If you have any questions, I would be more than happy to address those.

President Musgrave: I believe the County Attorney has reviewed this and found it satisfactory for execution. Thank you for coming. 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. That mutual aid agreement is now approved.

Dan Gettelfinger: Thank you.

President Musgrave: Thank you very much.

FEMA Summary

President Musgrave: FEMA summary. Sherman Greer is here to present a summary of the FEMA reimbursements that we will get.

Sherman Greer: The, as of this date, the FEMA reimbursements that we have received is \$34,912.94 for the Emergency Management Agency. Knight Township Fire Department, I haven't been able to get a total from them as of yet. They're still working on that. The person that keeps their books is a volunteer also, maybe they can inform me tomorrow. Vanderburgh County Coroner's office received \$18,600. The Building Commission, \$3,147.12. Animal Control, \$5,260.75. This was the last one that I've got and it just, I just got these numbers before I came here, so, we're hoping that it's correct. It's from the Sheriff's Department for \$144,000. Then, the County Highway, I do not have a figure on them for the simple reason that they just revised their application last Tuesday or Wednesday, and it hasn't, it's got to go through the system before we'll get a reimbursement in that area. The Central Dispatch got \$4,432.29. Those are the eight categories that we filed for, and that is the status them as of today.

President Musgrave: Okay. Thank you very much.

FEMA Letter of Commendation

President Musgrave: Over the past several days, it seems like at least a week that we've had this terrible weather and the news is once again reminding us of the awful destruction that Mother Nature can visit upon us. I've worked with Sherman in developing a letter of commendation to FEMA. I would like to read this letter, because it expresses, I think, how we feel about the level of expertise and caring that FEMA showed to us during our crisis in November. I will read it now.

"On behalf of the citizens of Vanderburgh County, we thank you for the assistance FEMA gave us in the days after our community was struck by a tornado on November 6, 2005. The support FEMA provided to our local and state emergency responders was invaluable, and the dedication and professionalism of the FEMA staff who worked with us was exceeded only by their compassion. Their efforts helped us swiftly clear the debris from the affected area and give assistance and comfort to the families who had lost their homes, or their loved ones. We are also grateful to your agency, FEMA, and to President Bush for the expedited processing of Governor Daniel's request for a federal disaster declaration. The funds made available to our community made a real difference in our ability to recover. We especially wish to recognize the outstanding efforts of our Federal Coordinating Office, Brad Gair, and Jeanne Kern and her Public Assistance Program staff from Region Five. Their cooperation with the Indiana Department of Homeland Security and the Evansville-Vanderburgh County Emergency Management Effort was a model of efficiency and effectiveness. Although we hope that the citizens of Vanderburgh County never face a tragedy of such proportions again, we are reassured to know that the federal government stands ready to aid us in the event of another crisis."

I would like to have a motion to approve sending this letter to David Paulison, the Acting Director of FEMA, with copies to President Bush, the Governor, our Senators, Congressman, Michael Chertoff, the Secretary of Homeland Security, the Regional Director of FEMA, Edward....I can't pronounce his last name.

Sherman Greer: Buikema.

President Musgrave: Okay. And Eric Dietz the Executive Director of Indiana Department of Homeland Security.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Sherman Greer: Better for me to butcher his name than you.

Sherman Greer: Vanderburgh County Flooding Update
--

Sherman Greer: Could I take another moment? We've got flooding that's going on right now, and I want to pass these maps out to you. The flooded areas, these are maps that we got from GIS. What I would like to, I'm getting a lot of phone calls today on why is it that we can't come out and pump their basements out, or put sandbags up around people's homes? As you know, I've got a three person department. We can supply everyone with sandbags. From what I understand right now, Mulzer is taking sand out and dumping it so that people will be able to have sand with no charge to them. That's very, very nice of them, and shows a lot of citizenship on their part to be able to do that. But, as you can see here with the map, on, the Pigeon Creek area, the Pigeon Creek area is where the blue is right here, this is where we're getting most of our flooding, Heckel Road, out in to those areas there off of Pigeon Creek. Right now the river is not supposed to crest until Thursday, about 10:00 a.m., I think it is, as 36 feet. So, it's not backwash, it's not backwater and everything, because the river is still draining, it's still draining in to the Ohio. All I can tell these citizens right now is to be very conscious of the water levels and everything as they are, and if you need sandbags, please come in, or call in and then we'll meet you and give you sandbags that you can go back to your homes and get some people to help them out. I had one lady that called and wanted the National Guard to be activated so they could come out and help sandbag her home. I really feel for these people, but it's one of those things to where that, you know, we would have to have a State of Emergency, and we're not near a State of Emergency, I don't think, right now in Vanderburgh County. Some of our surrounding counties may be declaring State of Emergency within the next 24 hours or so. But, you know, with our levee system and the pumping stations that we've got, the only problem that we really have always is Pigeon Creek draining off in watersheds to where that the water just spreads out. So, those people that are in those areas, you know, if they need some assistance as far as sandbags and sand that Mulzer's is helping them out with and everything right now, we have those for them, we have that assistance. But, as far as manpower and pumps and different things of that sort, we just don't have those to offer our citizens. But, we're willing to do anything...I got a call from

Governor Daniels office also in reference to some people that are thinking that we're not doing enough, but we're doing everything that we possibly can right now.

President Musgrave: What advantage would declaring a State of Emergency have anyway for someone's home that is flooded now or is threatened to be flooded?

Sherman Greer: It's just like the State of Emergency that we do for the snow. It's just making people aware, just, you know, this is happening, be aware of it. Until it reaches, and, as you know, from the tornado situation, the state of Indiana is going to have to reach an eight million cap before we can get a declaration out of this.

President Musgrave: And that's an eight million dollar damage to public infrastructure.

Sherman Greer: Damage to public infrastructure and things of that sort, like roads and different things. You know, we called the Highway Department, and the bad thing about flooding is, is that you can't really see how much damage is done until the water goes down. You can estimate that, but you can't really, you can't really see how much damage is done until the water, you know, recedes. So, it's going to be some time before that's even going to happen. Some parts of the state, northern parts and all along the Wabash and everything else, they're declaring State of Emergencies right now, but that is not, that doesn't break lose anymore assistance or anything of that sort right now.

Commissioner Nix: And our County crews have been out working some long hours, making sure these areas are secured. I know, that's one thing we need to get out to the public is that if there's barricades across roads, please, please don't take those barricades down and drive through them. The water may look shallow and may look like there's not a lot there, but you just can't take that chance.

Sherman Greer: I have the, I've been giving people instructions to call their, if they're in the township, to call their township fire department, to maybe that they could come out and give them a hand. But, there again, they're upset with the township fire departments because they can't drive through that water. They've been instructed not to drive through that water also, the same as you and I have and everything with their fire trucks. So, it's one of those things to where that, right now, we're in a situation to where that we can offer as much help as we possibly can. There's people out here that will help. The lady that wanted the National Guard to come out, her son or husband, I'm sorry, her husband is a National Guardsman and he got four or five other National Guardsman to come out and help him. I don't want people to think that we've activated the National Guard at that time and everything, because we can't do that. Only the Governor can do that.

Commissioner Shetler: Sherman, I did suggest earlier that we could become a little bit more proactive. This doesn't have to do with your department, but maybe with the Garage. We came up with a system last year of developing snow routes in a State of Emergency, when it comes up. We could do the similar type of things, the same roads seem to be flooding every time the water does get to a certain point. So, in anticipation of that, what we ought to do is devise a flood route, if you will, so that the people will automatically know that if you have a situation like that, and Green River Road is blocked off, that there is an ideal route to travel to get to work, as opposed to being kind of left stranded or left thinking what do I do today?

Sherman Greer: I live off of Oak Hill, and people are doing that now. The ones that go down Green River Road, they're all coming Oak Hill, as of now. They plan their routes, I guess, to a certain extent, but some of these people and some of these places, like Heckel Road at the end, they're land locked.

Commissioner Nix: Right.

Sherman Greer: You know, they can't go any further. You know, there's only one way in and one way out in some of these areas. But, I think that's a good idea that we can look at areas that are land locked like that to figure out exactly what it is that we can do to help these people out in these type of situations. We do have snow routes, you know, not reinventing the wheel, see how much of those snow routes we can use also for flood routes or something of that sort and everything. I would be willing to work with the County Highway Department and city also, because we do have some places within the city that flood every time we get four or five inches of rain like that.

Commissioner Nix: Do you have an anticipated, you said the rivers are supposed to crest Saturday morning?

Sherman Greer: No, Thursday about 10:00 a.m.

Commissioner Nix: Thursday, excuse me. So, at that point, the water should start subsiding in these areas then, for the most part?

Sherman Greer: It should, but, there again, you know, when I talked to the National Weather Service last night, I had to give them a call, because a lady called me and I wanted to talk to their hydrologist there to see exactly what they anticipated the water levels would be, and they were saying that the closer you are to the Ohio River on Pigeon Creek, the draining is going to happen, more or less, it's the backflow and everything that they're concerned about. So, and they said, you know, we'll give you this information, Sherman, but it's not an exact science that we can do it. They have no monitors on Pigeon Creek. Those were taken out about seven years ago due to funding and everything. So, you know, we're getting, a lot of that water's coming down from Gibson County, and it's just too much for it to drain at, that system that we have and everything to drain. So, that's where we are right now, and we're willing to help anyone out as we possibly can.

President Musgrave: Let me make a follow up question regarding the National Guard. Even if we had a declared emergency and you called out the National Guard, would the National Guard put sandbags around people's homes? What would they do?

Sherman Greer: You know, nine times out of ten they're usually working on levees and public areas where to people, you know, roads and different things of that sort. I can't give you an honest answer on that, whether or not they would go to individual homes and do that. If all those public areas, you know, like the levees and different things like that were taken care of, I'm sure, those gentlemen from the National Guard and everything, they'll do just about anything. I mean, we got that, we got a good indication of that from the tornado. They'll do anything that they can to help us out.

President Musgrave: Okay. Thank you for your efforts. What is your number in case someone needs sandbags?

Sherman Greer: 435...

Commissioner Nix: Work number, right?

Sherman Greer: 435-6020.

President Musgrave: Alright.

Sherman Greer: That's, 435-6020. If you call after 5:00, leave a message and mark it urgent, and it rings my phone at home or whatever and everything. So, I'll be able to get to them.

President Musgrave: Alright, thank you.

Commissioner Nix: Thanks, Sherman.

Sherman Greer: You're welcome.

**Resolution CO.R-03-06-009:
A Resolution of the Board of Commissioners of Vanderburgh County,
Indiana Approving Certain Matters in Connection with the
Expansion of an Economic Development Area and an Allocation
Area and an Amended Economic Development Plan for Said Area**

President Musgrave: Next on our agenda is Resolution CO.R-03-06-009, to approve creation of new or 20 percent enlargement of an economic development area. You've received copies of this in advance, and I know that we have an Assistant County Attorney here to answer any questions, if you want to come forward, or not.

Charles Compton: Charles Compton, one of Ted Ziemer's partners. The resolution's before you. It's fairly self explanatory. The Burkhardt Road TIF area has been in existence since 1995. There's been action taken by the Redevelopment Commission to expand the geographic scope of the Burkhardt Road TIF area. They have approved that expansion. A report has been given to the Plan Commission regarding that. They have a Plan Commission order approving that the expanded area complies with the development plan. The action before you is to simply confirm the declaratory resolution that was undertaken by the Commission to approve the amended plan to expand the area and to approve the Plan Commission order.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you.

Charles Compton: Thanks.

**Resolution CO.R-03-06-008:
Resolution Regarding Transfer or Exchange of Property with
Governmental Entity**

President Musgrave: Next is Resolution CO.R-03-06-008, transferring property at 105 Madison, 600 Jefferson, and 743 E. Chandler. Would you like to address this?

Kathryn Schymik: I will. These three properties are properties that the County Commissioners currently hold title to. The Redevelopment Commission has identified these properties as properties that they would like to take control of in order to improve these properties and get them back in to public use, eventually. Under Indiana Code 36-1-11-8, the County Commissioners can transfer, by resolution, property to another government entity. So, today, if the Commissioners choose, they will approve this resolution. The Redevelopment Commission will, at their next meeting, approve a similar resolution that will effectuate the transfer of these properties.

President Musgrave: And that's the City Redevelopment Commission?

Kathryn Schymik: Yes, I'm sorry. It's the Evansville, City of Evansville Redevelopment Commission.

President Musgrave: This is part of our continuing program of cooperation with the city transferring inner city properties for redevelopment in a positive way, breaking that cycle of destructive ownership. Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Conduct Title Searches for:
129 Washington Ave., 634 Jefferson Ave., 822 Lincoln Ave., 501 NW Third**

President Musgrave: We also need to do title searches for these properties. Do we need to have a motion to do the title search?

Kathryn Schymik: Those are actually, separate properties. There are, and I can give you the property addresses; 129 Washington, 634 Jefferson, 822 Lincoln, and 501 NW Third, are properties that have been on two tax sales and have not sold. The certificates were delivered to the Commissioners, and the Commissioners will elect, they will eventually take title to those, and then by similar resolution to what we just discussed, transfer them to the City of Evansville Redevelopment Commission. The first step in taking title to those properties is to obtain 30 year title searches on each property. So, if you all would entertain a motion possibly.

President Musgrave: For the last group of properties that we did title searches, the city covered those costs. Are they willing to do so in this case?

Kathryn Schymik: I think that's something that they have entertained, but we have not discussed that. We don't have anything in writing committing them to that.

President Musgrave: Do you want to come to the microphone and commit on the record?

Carolyn Rusk: No.

President Musgrave: This is Carolyn Rusk of the Department of Metropolitan Development. Could I ask you to just iron out that wrinkle?

Kathryn Schymik: Uh-huh.

President Musgrave: But, we'll go ahead and approve the title searches, but—

Commissioner Nix: I'll make that motion contingent on that.

President Musgrave: Okay.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That motion carries.

<p>Health Department: Vector and Rodent Control Contract: R&R Hauling</p>
--

President Musgrave: Contracts, agreements and leases. The Health Department Vector and Rodent Control, the trash contract. Is Justin Manning present from the Health Department?

Justin Manning: I am present. Just, this is a service agreement that we have with R&R Hauling, we've had in place for the last four years. We have been agreeable to the job that he has done and would like to extend that agreement with him.

President Musgrave: Are these for Vector and Rodent Control in the entire county, or in the unincorporated county?

Justin Manning: The contract is with the Health Department, so, it's a county, but on top of that, the city uses this contract, because the Rodent Control Division is overseen by the Health Department. There are two different sources of funding, there's the Community Development Block Grant that funds a target area within the city, and then the County Health Department has funding that they use outside of that target area.

President Musgrave: Okay.

Justin Manning: So, this contract applies to both of those programs.

President Musgrave: And this covers removing trash and debris from properties that have been cited, noticed?

Justin Manning: Yes.

President Musgrave: And also for rodent control, bating rats?

Justin Manning: Yeah, we don't charge for that program. This is purely trash and debris removal.

President Musgrave: Okay. How many of those properties do you expect to be able to cover with this?

Justin Manning: Last year we cleaned 160 approximately, and that's been the number approximately the past three or four years with the funds that the city provides. The trash and debris fund for the city is about \$50,000, and that comes from HUD and is a Community Development Block Grant.

President Musgrave: I understand that the city is about to adopt an ordinance to allow them to resume debris removal from properties?

Justin Manning: That is correct. We've had a hold on that. The city attorneys wish to put in the ordinance a hearing procedure for people to be able to voice an appeal to these, and, so, once that's in place and we get the hearings going we'll be able to resume cleaning properties in the city.

President Musgrave: Is this an ordinance that the county should adopt?

Justin Manning: I don't have an opinion on that. You would need to talk to your County Attorney.

President Musgrave: When the ordinance gets approved, I would like you to forward it to us—

Justin Manning: Okay.

President Musgrave: —so that we can seek an opinion on that.

Justin Manning: We sure will.

President Musgrave: Okay, is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Ordinance CO.03-06-007: Concerning the Vanderburgh County
Board of Health: Dental Clinic Fees**

President Musgrave: We have another Health Department item, the dental equipment maintenance agreement. I understand that it has been reviewed and Gary Heck is here to answer any questions.

Gary Heck: Gary Heck from the Vanderburgh County Health Department. In order for us to be able to open the dental clinic, one of the steps is to have a fee ordinance adopted. That will allow us to have the charges that would be in place. This amendment to the fee ordinance that got modified just recently is the step that the County Attorney recommended as the way to do it. I would be happy to answer any questions, if you have any.

President Musgrave: Is there questions?

Commissioner Nix: No. Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Gary Heck: Thank you.

Madelyn Grayson: Commissioner Musgrave, was that the dental equipment, or was he talking about the ordinance? That's down further on the agenda.

Gary Heck: Oh, I'm sorry.

President Musgrave: He was talking about the ordinance, Chapter 2.40 of the County Code, excuse me. Before we can make a motion to approve it, we need to make a motion to waive the second reading. Is there a motion to waive the second reading?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Now, is there a motion to adopt the ordinance?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes as well.

Gary Heck: I apologize. There was two generally related items there.

Commissioner Nix: Right.

<p>Health Department: Agreement for Equipment Maintenance Services: Ken Williams: Dental Clinic</p>
--

President Musgrave: Let's just go back to make the record clear and adopt the dental equipment maintenance agreement, which allows them to install and maintain the equipment itself.

Commissioner Nix: I looked through that, that's just a one year contract, is that correct?

Gary Heck: It's a standard agreement, and it's a one year, I don't know if it's closed ended--

Commissioner Nix: Right.

Gary Heck: --but, it's only for a limited amount of hours. A one year period is what we discussed with the County Attorney.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Have we finished with the Health Department?

Gary Heck: Under all the action items, I think there's some consent items.

President Musgrave: Okay, great.

Gary Heck: But, we're fine other than that. Thank you so much.

President Musgrave: Thank you.

Commissioner Nix: Thanks.

Burdette Park: National Bicycle League Lease

President Musgrave: Burdette Park, the National Bicycle League lease. Mr. Steve Craig?

Steve Craig: Steve Craig, Manager of Burdette. I was wanting to get permission from the Commissioners of Vanderburgh County to enter into a lease with the National Bicycle League. The revised lease is satisfactory for approval according to Mr. Ziemer, the County Attorney.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: This allows the BMX racing to go forward, right?

Steve Craig: Yes, Ma'am.

President Musgrave: Looking forward to it.

Steve Craig: Thank you.

**Ordinance CO.03-06-008: Concerning Construction Site
Storm Water Runoff Control**

President Musgrave: We move now to ordinance CO.03-06-008, storm water ordinance correction for technical error. In order for this to be the first and final reading we'll need to make a motion to waive the second reading. Oh, Mr. Surveyor Jeffers, do you have any remarks to make?

Bill Jeffers: I was just here in case you had any questions about it.

President Musgrave: No.

Bill Jeffers: I think you were probably filled in by Mr. Ziemer.

President Musgrave: Yes.

Commissioner Nix: Yes.

Bill Jeffers: But, I would like to put a plug in.

Commissioner Nix: We need more than one plug right now.

Bill Jeffers: We need quite a few plugs out there today. The Homebuilders Association is having their monthly meeting this evening from 5:30, they have a social hour, and then at 6:00 John Stoll, the County Engineer, Mike Wathen, his assistant, and myself are presenting a short power point on this ordinance. For anyone who's interested, it's at the Holiday Inn North, just north of Lynch Road in the banquet room.

President Musgrave: Okay.

Commissioner Nix: Thank you.

President Musgrave: Is there a motion to waive the second reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Is there a motion to adopt the ordinance?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. The ordinance is adopted.

County Engineer

President Musgrave: Department heads. Mr. Craig, could you inform Mr. Stoll that he is up? John Stoll, the County Engineer will be making his way forward. We sent out a little bit of media information today regarding one of the RFP's that Mr. Stoll will be discussing. We've been working on this for a number of months now, and it addresses what will be a solution to the Green River Road flooding, and that it will be to raise and widen the road. This is an action that depended upon the adoption of the resolution to expand the TIF district. Mr. Stoll, you have several RFP's.

John Stoll: Yeah, the first RFP is for several locally funded projects, one of which is Green River Road. That is actually split in to three phases. The first section is between Lynch and Hirsch, and the RFP in that case is for construction inspection services for when we can get that project out for bid later this year. The second phase of Green River between Hirsch and Heckel is for design, right-of-way and construction inspection services. Then, the third phase is between Millersburg and Heckel, and that is also for design, right-of-way and construction inspection services. The other project that will be funded through the TIF district that's in that RFP is Cross Pointe Boulevard between Virginia and Morgan, and that will consist of widening the three lane sections to five lanes, as well as construction of a new five lane road between Columbia and Oak Grove. Then, the final project in that RFP is a proposed bridge on Baseline Road over the CSX railroad tracks. This is a project to be funded with the Cumulative Bridge Funds. It is proposed to be a two lane bridge that could be ultimately widened to four lanes at some future date when funding and traffic warranted it. In addition to that RFP for the locally funded projects, I also put together a second RFP for the phase two of the Green River Road project. That RFP is basically identical to the other, the first one in the sense that it also calls for widening and raising Green River Road, but it assumes that federal funds will be used on the project. For following federal funding procedures, we have to have RFP's available for a minimum of 30 days. So, the initial, the first RFP I discussed has a submittal date of April 4th, while the second one for the federal funds has a submittal date of April 18th.

President Musgrave: If you can hold on while we change the tape.

John Stoll: Sure.

(Tape change)

John Stoll: Then, there was one final RFP in there, and it's also for a federally funded project. It's for the bridge inspection. This is the bridge inspection that we have to get every two years for all bridges 20 feet or greater in length.

President Musgrave: Any questions?

Commissioner Nix: No, I'm just real excited to see these projects move forward, especially the Baseline Road project. I know that's something that just kind of hit the radar screen a month or two back, but I envision over some time to have a possible four lane from there over to, maybe made up with University Parkway. I think that would be a real asset for the community, and this would be the start of that. I know that there's been some safety concerns from the emergency people out in that area, ambulance and fire access to 41 off of Baseline. I know when the trains come up along, parallel on 41 there, sometimes they stop there for some length of time, and

this would eliminate that problem. It would relieve some congestion and traffic on Ingelfield. So, I think all these are very, very good projects, and I'm really looking forward to getting them moving forward.

Commissioner Shetler: My only concern is, is the three phases on Green River Road, and then we're also talking about Millersburg and Green River Road intersection being improved and a stop light and etcetera. So, it looks like to me we might be dealing with kind of four different construction periods along that road stretch. It just looks like that's going to be a tremendous inconvenience. If there's a way to consolidate that so we can get that in to one or two construction seasons, or, you know, lumped together there, it would be a whole lot less confusion, I think, on the people out there. As much development that's happening, we need to look at that.

John Stoll: Ideally, if we can get all of Green River funded with local funds, and not have to rely on the federal funds, it will help address that problem. With the federal funding process taking forever, that project will lag behind and will cause the problems that you're talking about where you'll have construction going on for an indefinite period of time. The way I put the RFP together, it indicates that there will be some coordination required by the consultants to address the coordination between the Green River Road and Millersburg intersection project, as well as if we chose to have different consultants doing different segments, they're required to work with whatever consultant might be working on the abutting segment. So, we're trying to minimize and address that. I put some language in the RFP also to say that the consultant shall try to come up with a maintenance and traffic plan that will preferably keep Green River Road open to two lanes through the duration of the construction. There again, to try to minimize the impacts to the motorists that are out there everyday. It's something that's going to be a hassle to get it all taken care of, but it's not an insurmountable problem.

Commissioner Shetler: What would they be looking at on the bridge there? Putting up a temporary and going around it, or?

John Stoll: Ideally, they would keep the existing bridge in service while they built two new lanes, and then switch the traffic over to the new bridge and then demolish and replace the existing bridge. Since no design work's been done there, as of yet, it's hard to say exactly how that would play out, and what costs that will have. Another issue in regard to that segment of Green River is the fact that through the hydraulic studies that have already been done on Pigeon Creek, the Department of Natural Resources is mandating nine 50 foot bridges between Hirsch Road and the main channel bridge over Pigeon Creek. Those structures will also have the same issue as far as trying to get those constructed and not interfere with traffic.

Commissioner Nix: And those requirements have just been implemented recently in the last couple of years from....initially when this went on the drawing board till now, those things have been added as part of that?

John Stoll: Initially, it was thought that fewer of these overflow structures could be put in. The intent is that when the road is raised that we're not building a dam that backs up water and raises the upstream flood elevations. These overflow structures are intended to basically punch holes in that dam and allow the flood waters to not raise up beyond what they currently have. When the studies were done, DNR mandated that some additional ones were installed to insure that we wouldn't see any increases in the upstream flood elevations once the road is raised.

Commissioner Nix: Which increases the price of the project drastically.

John Stoll: Probably about three million dollars.

Commissioner Shetler: Thank you. Timetable on Green River Road?

Commissioner Nix: You're going to put him out on a limb here now.

President Musgrave: Oh, no, no. This is the most--

Commissioner Shetler: Maybe kind of a rough idea of what we're dealing with here?

President Musgrave: If I could comment. This is the most exciting part of this announcement today. These projects weren't supposed to be completed until 2015, and Engineer Stoll and I have been working diligently since, I believe, the end of November to examine how we could rearrange the funding for these projects and pull that forward. We'll be able to let some of these contracts, or the design contracts and then construction contracts after that in 2006, and have these completed by 2009, instead of the original completion date of 2015. So, I'm tremendously excited that we can move that much faster, and get this road done while we're young.

Commissioner Shetler: Thank you.

President Musgrave: You're welcome.

President Musgrave: Speak for yourself.

John Stoll: The key component in all that is trying to avoid the use of the federal money. That's where the delays will come in. If we have to use that, here again, just like you've seen on any other federal aid project we've done, they take extremely long periods of time to get done. So, hopefully, the TIF district will generate enough revenues that we don't have to go that route, then the federal money can be obligated to another project.

Commissioner Shetler: Would we still have the same kind of requirements on specifications on building and stuff? Or can, or are those a little looser?

John Stoll: The design requirements will be very similar, if not the same. Like the DNR permit that requires the overflow structures, that won't change. Where you can pick up some time is, potentially, in the right-of-way acquisition. Rather than following the INDOT procedures of having to wait till all the design plans are totally finished, even though you know the limits of the right-of-ways, you could start to find the right-of-way parcels earlier on and get those parcels acquired sooner.

Commissioner Shetler: Alright, thank you.

President Musgrave: So, will we have problems with these newly constructed parts of Green River Road flooding after we get them raised and widened?

John Stoll: The scope of work is to raise it above the 100 year flood elevation. So, we shouldn't, unless you get something greater than a 100 year flood.

President Musgrave: Okay.

Commissioner Nix: We should be in good shape.

President Musgrave: We should. So, we found a way to fund this, to move the project forward six years to get ourselves out of the water. So, I'm really pleased with this, and I'm hoping that we get some great bids from our engineers and construction people so that we can even build more than we had hoped to build.

Commissioner Shetler: Sounds like we've got a use for Major Moves.

President Musgrave: Yes.

Commissioner Nix: There you go.

President Musgrave: I'll be working on asking the Governor for even more money.

Commissioner Shetler: Yeah. So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you. Do you have more?

John Stoll: Yeah. A couple of other items. First, I've got an assignment agreement for the Oak Hill Road-Bergdolt Road intersection project. The consultant that was hired on that project was Congdon Engineering, and they have since been acquired by a company named Level Five Engineering, LLC. There's an assignment of contract letter that needs your signatures. I had Ted Ziemer review the letter, and he was fine with you signing off on it.

Commissioner Nix: This is just transferring the contract or paperwork from one company to another?

John Stoll: Correct.

Commissioner Nix: Because of the buyout?

John Stoll: Correct.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a street acceptance request for section nine of Metro Centre Subdivision. This acceptance consists of 264 feet of Metro Avenue, and 741 feet of

Metro Centre Drive. I've had those streets inspected, and would request that they be accepted for maintenance.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: The last thing I've got is a letter that provides a counter offer on one of the right-of-way parcels that we're trying to acquire on the section of Green River between Lynch and Hirsch. This is on the property at 4419 North Green River Road. It was originally owned by Bender, but through the course of our project, it is now owned by Mr. and Mrs. Hawa. They had requested, in writing, that...they had requested that we provided them assurance in writing that says that if their septic is damaged during the course of our construction, that we would repair it. They had also requested an additional \$800 above and beyond the \$4,800 that they were originally offered. Bernardin Lochmueller went back and took a look at the paperwork and they recommended that we go back with an additional \$400 rather than an additional \$800. So, I'm requesting your authorization to send this letter to Mr. and Mrs. Hawa to increase their offer by \$400 and provide them the written assurance that we will repair any damage that we might cause to their septic.

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 had.

President Musgrave: Thank you, sir.

Commissioner Nix: Thank you.

Superintendent of County Buildings

President Musgrave: B.J. Farrell, Superintendent of County Buildings.

B.J. Farrell: I do have three items this week for the Commissioners. I would ask permission to advertise and schedule the date for our next county auction. These are desks and chairs, not land. So, I would like to have that auction April the 8th at the Old Courthouse, as we did previously last fall.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

B.J. Farrell: I would also like to ask your permission to begin the process of advertising the polling places that you adopted today, as we will have to publish those in the newspaper. I would like for permission to go ahead and do that.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

B.J. Farrell: Then, I would also ask you to amend the consent agenda. I did receive a late travel request today from the Legal Aid Department. If they are one of the, they only take 55 reservations, and they would like to get theirs in to attend a conference on management and information exchange, supervising legal work.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

B.J. Farrell: That's all I have. Thank you.

Advertising Notices for Expanded Burkhardt TIF Area
--

President Musgrave: And you're saying that notice of advertising triggered my memory that I skipped over two important notices to advertise on the enlargement of the economic development area. We need to do a notice of the public hearing on the declaratory resolution, and a notice of additional appropriation hearing, both of those will be in the newspapers on March 24th.

B.J. Farrell: Would those be advertised by us or the Redevelopment Commission?

President Musgrave: The Redevelopment Commission. We need a motion to approve their advertisement.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That covers that.

County Highway

President Musgrave: Mr. Scott Wischer, County Garage? Is he here?

B.J. Farrell: I believe he's out addressing some flood problems at the moment. I did talk to him earlier.

President Musgrave: Okay. We got a pretty good report already on the road flooding, and I know that they are working very hard. I want to thank the members of the County Garage for all the very late hours that they've been putting in, and their help. Did I miss any? Do you have anything to report? The Health Department, every other department has had....ah, please come forward.

New Business

President Musgrave: We can take this under new business as well.

Mark Acker: Mark Acker, Veterans Service Officer of Vanderburgh County. Madam President, Commissioners, I come before you this evening to ask permission to draft a letter in support of the Welborn Hospital project as becoming the new VA clinic. I have the unique opportunity to speak to many veterans in this area, and they all are in resounding support that they believe the hospital, once known as Welborn, would be an outstanding new VA clinic. So, they have asked me to come before the County Commissioners, and I would like to draft a letter to the Senators, Congressmen, and our State Representatives to ask for their support towards the project at Welborn Hospital.

Commissioner Shetler: You know, in addition to that, I think we ought to draft a letter endorsing the project on behalf of the veterans. I think it's something that could be good for our near downtown area. It's something that would keep that viable place, I think, alive, and for what it's intended purpose was, which was to deliver health care. So, I think it makes good sense, and, Mark, I applaud you for doing it.

Mark Acker: Thank you.

Commissioner Shetler: I just think we need to give further assistance, rather than just, more than just giving you our agreement on it, but I think we need to send a letter of endorsement backing it.

Mark Acker: I think that's a very important part of this, that all of our community leaders stand together in this concept, because it is definitely an uphill battle with the federal government trying to get funds in the right place to do the right thing. I think this is the right thing and the right place.

Commissioner Shetler: Right.

President Musgrave: Is there a motion to approve the sending of the letter?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: And a motion to approve the drafting of the letter? Or shall we approve a letter in advance?

Commissioner Nix: Do we want to maybe get something drafted for next week's meeting?

President Musgrave: Alright. That would be fine. We'll bring that back to you next week. The veterans know how much the Commissioners care about their service and their health care going forward. We have shown our compassion in a number of ways, but having a regional clinic, like the one in Illinois for here to serve all the veterans that are, not only in Vanderburgh County, but Posey, Gibson, Warrick, and three states, would be a real asset.

Mark Acker: Definitely. This is a tri-state issue. It's not just a local Evansville issue. It is all of our tri-state area. The impact of this clinic and what it does not only for southern Indiana, but portions of Illinois, as well as northern Kentucky. So, our efforts are trying to make a first class facility. We once had that with the old Marine Corp Hospital that was up behind Hillcrest Home. That was eventually demolished. But, to keep this story short and simple, we feel that Evansville and the tri-state area would be best served with a first class facility, and Welborn Hospital brings all of that together in to one package.

President Musgrave: Alright. Thank you, sir.

Commissioner Shetler: Thank you, Mark.

Mark Acker: Thank you.

President Musgrave: Is there any other new business?

B.J. Farrell: The quotes for the County Engineer's office.

President Musgrave: Thank you. Are we ready to open quotes?

Kathryn Schymik: We are. There were two quotes received on the New Harmony Road embankment repair. First, Deig Brothers Construction submitted a base bid of \$42,352, optional items, \$35,810, with a grand total of \$78,162. CCC of Evansville, Inc., submitted a base bid of \$28,570.14, optional items, \$19,914.22, with a grand total of \$48,484.36.

President Musgrave: Is there a motion to take the bids under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Any further new business?

Old Business

President Musgrave: Old business? I understand that the Abell's Park sewer extension committee has been in touch with you, Commissioner Shetler, is that correct? No?

Commissioner Nix: I haven't--

President Musgrave: Alright.

Commissioner Nix: I did see an e-mail come across the desk here this morning on that, and I really didn't have a chance to look at it.

President Musgrave: But, it's not ready for action?

Commissioner Nix: No.

President Musgrave: Okay.

Public Comment

President Musgrave: Is there any public comment at this time? I see Oak Hill Neighborhood president, Susan Harp.

Susan Harp: Susan Harp, president of Oak Hill Neighborhood. My husband, Steve, took some pictures today, and it's about the flood. Elmrige Drive, there is a very low area in there, and I know we've discussed this when we talked about the Dan Buck apartment project. In that one, you see that lift station there. I know Mr. Jeffers and Mr. Stoll can help on this, I think that those low areas were, at one time, told not to build there. I don't know how they proceeded to build in those low areas if they were told not to, but the homes are there. After Lynch Road was built, it's made it worse. You see the floods there. It's very bad because Elmrige is our one straight thoroughfare going through there. So, now, all this traffic is having to use Bergdolt, and opening up Aspen is a whole different issue. But, I don't know what we could do, I'm thinking like with the Green River Road project, I didn't know if there was anything that can be done when that project's being done that would help alleviate the water here. Because it is backed up from Pigeon Creek. I just thought it was something that we weren't really aware of how bad the problem was until we went out there last night and saw. Of course, I will say that nobody had sandbagged, because I was ready to go as a CERT team to sandbag the mobile home park, and then we got around to Elmrige and we saw this. I don't know if they could have sandbagged, but I do know, the two homes, it's coming right up to their front door. Now, that starts at, one of them is 3722. I do know that there was, I know Mr. Jeffers was filling us in on some of that, that has happened on that particular piece of property area right in there. The other thing was about, when we elevate Green River Road, the mobile home park which is off of Bergdolt, that backs up in to there, it was pretty high. They built the little levee around there, but I'm wondering like how that will affect them? We may need to take that in to consideration, because they've been flooded before. But, this area was one that just came up on us last night, and when it was discussed, when we had talked about putting that road through from Dan Buck's over to Elmrige, the neighbors brought

it up and talked about it, but I really wasn't aware of what a big problem it was. So, I don't know if Mr. Jeffers could further enlighten us on that area?

President Musgrave: Just as a comment on the Green River Road project, and if Mr. Jeffers will make his way toward the microphone, I'm assured that, by the engineer, that the road, Green River, will be higher, but that it will cause no difference in the flooding. That may not be an assistance to the properties, but it also will not be a harm.

Bill Jeffers: The raising of Green River Road will have no effect on this particular issue on Elmridge. However, as Susan Harp pointed out, the construction of Lynch Road, basically spanned that valley, and created an obstruction of Pigeon Creek, which, as you've heard today, drains a large part of Gibson, Warrick and Vanderburgh County. It's a huge watershed. That watershed has been severely, or completely saturated by previous rainfall, earlier in this series of storms. It's like a sponge, it can hold no more water, so, any subsequent rainfall ran off at a hundred percent runoff. That's what's causing this flood today, and ongoing through the week, very similarly to 1986 when we had 11 inches of rainfall over a six day period. The water got three to four feet higher than it is today. 1996 we had a similar flooding event, after a 30 day period of rainfall. We had some significant rainfalls in the watershed and the water got three or four feet higher than it is today. What Mrs. Harp is speaking to exactly is that there are two homes on Elmridge, in the lowest part where the street sags down through the valley there, one of which was built before 1981 on one side of the right-of-way that would be used to access the Dan Buck project. And on the other side of that vacant right-of-way is a home that was built in either 1982, or around '82 or so, and I recall it because there was a County Engineer, David South, sent us out there, sent the County survey crew out there to gather some data, because Elmridge had been built not in accordance with county standards, and it was not an accepted road at that time, and he needed surveying data to discover what needed to be brought up to county standards, and while we were working out there one day we noticed a block foundation going up at one of these two addresses that Ms. Harp has cited, and it looked as if they were getting ready to put the floor joists on this foundation, and we noted it was substantially below flood plain elevation. So, we contacted the Building Commissioner, and his inspectors went out there, and they green tagged the block foundation as being a sufficient block construction, in other words, the mortar joints were okay, and the reinforcing rods were placed properly, but, they red tagged the elevation and instructed on the red tag that the builder not proceed with the floor joists until he had raised the block foundation several more block, courses of block to get up at a protective flood grade. Someone reportedly tore that red tag off and put the floor joists on and finished constructing the house. In 1983, immediately after it's completion, it was flooded with 14 inches of water. It will be flooded again this week, if the water rises to that same elevation. Meanwhile, the street surface itself has several inches of water on it. I've seen it two and a half feet deep before, in 1983, and again in 1996, and it will happen again anytime we have these kind of conditions. Unfortunately, Lynch Road backs the water up. The state allows a construction of a roadway like that so long as the engineers prove that the flood, the base flood elevation will not be increased greater than 15 hundredths of a foot, which is about two inches. Just a little less than two inches. However, I've seen the water on the upstream side of Lynch Road six inches higher than it is immediately on the downstream side of Lynch Road. That happened in 1996. So, it does represent a significant obstruction from my point of view, okay? I have no solution to that. The road is built, the state allowed it. Green River Road, as I said, your project will not effect that, however, yesterday on my way out to take some pictures

around 3:30, and I emphasize 3:30, not 5:00, that going north on Oak Hill Road I noticed that the traffic was already backed up at 3:30 all the way to St. George from people who cannot go down Green River Road, and that these folks only way out is through Bergdolt Road. People were stopping to let them out as, but, I mean, it was bumper to bumper, creeping traffic all the way back to St. George Road.

President Musgrave: Only three years to go, and we'll have that road done. So, thank you, and thank you for bringing the pictures to our attention. We can do nothing about people who deliberately build their houses below flood grade—

Susan Harp: Correct.

President Musgrave: —and I'm sure that that doesn't happen anymore.

Susan Harp: Yeah, and it's just the street. So, anything that we can do, any projects out there to help that street from flooding, that would be great.

Commissioner Nix: There is a process in place now before final inspection takes place on any house or commercial, residential or any kind of site that a registered engineer has to go, or a surveyor has to stamp a drawing saying that the finished floor elevation is above a, Bill, correct me if I'm wrong, is it the 100 year?

Bill Jeffers: In the state of Indiana, and according to Vanderburgh County ordinance, it's two, the flood protective grade is two full feet above the base flood elevation.

Commissioner Nix: Base flood, okay.

Bill Jeffers: So, whatever base flood, the 100 year flood is, you have go two feet above that to achieve code.

Commissioner Nix: So, now, even if a builder would do this, the residence or the building couldn't be utilized or used until that code has been satisfied. So, we've got a process in place to eliminate that from happening again.

Commissioner Nix: Your Commissioners records from '83 through '86, there are, I can reproduce for you from the Auditor's office, contain substantial dialogue on this particular address, where the Commissioners struggled with this issue with the builder and the owner who occupied the house where the stop work order was ignored. So, it has been addressed at length by the County Commissioners in the past.

President Musgrave: Mr. Jeffers, I've, we've had some calls, and I've seen on the news reports of people becoming alarmed that the water is actually approaching their house. Perhaps I have a different point of view, but I'm pleased to see the water approaching the house, but not in the house. I think that that's the goal of our building regulations, to raise the homes themselves above the flood level. So, that's a success story, that the water is approaching, I think that's what we were planning to do if it ever got that high.

Bill Jeffers: Right. All the homes built since 1979 have to be built at or above flood plain, you know, base flood elevation, 100 year flood elevation.

President Musgrave: But, not the roads?

Bill Jeffers: Not the roads necessarily. Your County Engineer, John Stoll has strived to get the roads as well, and has succeeded in most cases, with some of the roads being six inches below flood where they sag down to go into street inlets.

President Musgrave: Okay.

Bill Jeffers: But, an emergency vehicle can still pass the new roads. Then, you have to go, as you know, to the Corp of Engineers and Department of Natural Resources (A portion of the meeting was not recorded due to the power to microphones and tape recorder being turned off.) legitimate alarm, if I saw water approaching my foundation, or rushing past my house, that some of the houses are built very close to the flood way, especially along Pigeon Creek in the Lynch Road area, I would be very alarmed, but I have, every complaint that we have so far truly impending flooding is in homes built before 1979.

President Musgrave: Good.

Bill Jeffers: Then, the '82 ordinance required the two feet above.

Commissioner Nix: Thank you.

President Musgrave: Thank you.

Susan Harp: Thank you, yeah, because I know when we built in '90 we had to go two foot, because we live right on Pigeon Creek. So, I knew we had to go up. But, I just wanted to make you aware that if you did come across anything that could help maybe make it better for those people out there.

Steve Harp: One thing I was going to say, Steve Harp, Oak Hill Neighborhood, about maybe extending one of them other roads, like Aspen, or one of them other ones—

Susan Harp: I didn't say that. He said that.

Steve Harp: —they would have more than one way in and out.

President Musgrave: Let's have further discussion about that at another time.

Susan Harp: The Aspen people do not want that opened up.

President Musgrave: I understand.

Susan Harp: But, it does put a block there.

Commissioner Nix: They'll have to answer to him then.

Susan Harp: Yeah, yeah, not to me. Thank you.

President Musgrave: Is there any further public comment? Yes, Ma'am? Please come forward and state your name and address for the record. You want to address as well? Okay. Is there anyone else who cares to address the Commission tonight? Okay.

Debbie Schwent: Hi, I'm Debbie Schwent. I live at 6431 North Green River Road. I'm sorry that this is written in haste, and I have gotten to talk to John Stoll, and he

put me a little at ease. He's been very helpful, actually, but I do want to let you just, when it comes to raising Green River Road and doing the things that you're going to do, please take the people that live on this road, they've lived there all, most of them are homesteaders almost. We've been there since—

Unidentified: '86.

Debbie Schwent: —'86, okay? We've gone through floodings. The house next door to us has a basement, and the water is now up to their windows. You can see their computer screen floating inside. They've got two sump pumps trying to get the water out, and it's not working. You put the soccer field across the street, and that was a flash notice to the people that lived in that area.

Commissioner Nix: Ma'am, Ma'am, that was a city project.

Debbie Schwent: Okay, but, let me just say, all the dirt and everything was brought in, I mean, we were not told, hey, you're getting a soccer field, it was just all of the people were out in the middle of this field, I called Randy Moore and I said, "What's going on?", and he goes, "We don't know, we'll let you know." So, we get a soccer field. The dead people didn't want it. Did the live people want it? But, anyway, our water is coming up faster than it normally does, okay? We're going to go home and sandbag, so, if you all have nothing to do this evening, you can come join us. But, the man across the street from the soccer field, Mr. Hildenbrand, bless his heart, he kept going over and telling them, that field floods, you're putting this in, where is all that water going to go, where is all that water going to go? They had him taken off the property because he was a nuisance, okay? Well, I'm sure Roy's upstairs going, I told you so, because the water just keeps coming up, and, see, it's just not Green River Road, off of Oak Hill Road there's this little, you go down the road and there's this nice subdivision that has been built up, okay, but then when you go down, it's another little community of homes that have been there for a long time, and they're getting a lot of flooding also. But, if you go to raise Green River Road, I sure hope you take in to consideration the people that are living along there. I know that it's just, what's it called, eminent domain or something, that you can go down the middle of the road and take people's yard and stuff like that? Well, if there's nothing across the street, and right now there isn't anything across the street from us, why can't you go across the street, instead of taking everybody's front yard? So, if you go out to, what worries me is if you go out, which I got to do with Fox 7's crew, we went over the water where we weren't supposed to go, and he—

President Musgrave: Quit doing that.

Debbie Schwent: I know, but he had to take their shots, so, I got to go with them, so, anyway we went over and what worries me if they level that, and it's going to be that level, and it's going to go all the way out, where's all that water going to go? But, John did say he's going to have all these little bridges and everything, but the water's going to go, so, I'm kind of waiting to see. Another thing, we've had so much traffic, can they not put more accesses on to I-64?

President Musgrave: At a cost of maybe ten, fifteen million dollars we could do that.

Debbie Schwent: Well, you know, we're really, when you put I-64 in, when we put I-64 in, we had very little traffic. Of course, everything's built up out that way, I mean, it's moving out and out, and we like all the new conveniences, having a Schnucks store that you don't have to go a half an hour to, that's lovely. You know, you've got

your new McDonald's out there and everything, but we have so much traffic now, at 8:00, till 8:00 or 8:15 in the morning, you can't get out of our driveway. It was nice getting out of our driveway to come here, I mean, the road's closed for the water, so, it doesn't matter. But, all I want is just to pay attention to the people that live in that area. Have you been out there to see the water?

President Musgrave: Have you?

Commissioner Nix: Yes.

Debbie Schwent: Have you been on North Green River Road at 6431?

Commissioner Nix: I've been in front of the soccer complex the last couple of days.

Debbie Schwent: Okay, you haven't been there lately?

Commissioner Nix: No.

Debbie Schwent: So, you don't see that we have lakefront property now. Now, we will be in the lake. So, if it was you, you would be where I am. All I'm asking is that you take into consideration the people that live out there.

President Musgrave: Thank you for your comments.

Debbie Schwent: Okay?

Commissioner Nix: Thanks.

Debbie Schwent: Thank you very much.

President Musgrave: And you, sir, please state your name and address for the record.

Joe Maynard: Good evening, Joe Maynard from Indiana Department of Transportation. I don't have anything to complain about the flood, the reason why I'm down here is I'm supposed to give you guys a face to look at in case of a natural disaster. The state of Indiana—

President Musgrave: Do we get your phone number too?

Joe Maynard: Pardon?

President Musgrave: Do we get your phone number too?

Joe Maynard: My phone number?

President Musgrave: Oh, we're just, okay, we're just supposed to look at you in case of—

Joe Maynard: Oh, yeah.

President Musgrave: Okay.

Joe Maynard: I'll give you a piece of paper here that's got all of the information to contact. Let me just read this to you, this letter come from Sam Sarvis, the Deputy Commissioner. It says:

"Dear Local Officials: With the frequency of natural disasters in Southwestern Indiana over the last few years, we at the Indiana Department of Transportation's Vincennes District would like to send a friendly reminder that we are here to help in the event of an emergency. You are our customer and we are here to serve you. The Vincennes District is a resource for you, should a catastrophic event occur in your jurisdiction. With a large skilled labor force, various types of equipment and the ability to rent special equipment, our agency can assist in emergency response and clean-up. During emergency events, please remember to through your County Emergency Management Agency to coordinate with INDOT. The National Incident Management System requires that your requests come from your County EMA through the Indiana Department of Homeland Security."

I have four copies of this. There's a large number of equipment, we did a lot of help with the tornado up in Warrick County. We're here to serve.

Commissioner Nix: Thank you.

President Musgrave: Thank you very much. You wouldn't happen to have lots of pumps would you.

Joe Maynard: Pardon me?

President Musgrave: Lots of pumps?

Joe Maynard: Could probably rent some.

President Musgrave: Well, we might be calling you. Thank you very much for coming. Let Mr. Sarvis know that we appreciate his concern. One more copy for the record. There are some students here. Would you like to stand up and say which school you are at, or tell me and I'll say it?

James Maxwell: James Maxwell from North High School.

President Musgrave: From North High School?

Commissioner Nix: Are all three of you from North?

James Maxwell: Yeah.

Commissioner Nix: Go Huskies, huh?

James Maxwell: Yeah.

President Musgrave: Well, welcome. Are you here to get extra credit for government class or something?

James Maxwell: Yeah, we're doing a government requirement.

President Musgrave: A government requirement. Well, I thank you for choosing the Commission meeting for your government requirement. We hope that you get a great grade for this.

Commissioner Nix: You picked a nice, short meeting too.

President Musgrave: Is there anyone else? Seeing no one.

Consent Items

President Musgrave: Is there a motion to adopt the consent items? Ms. Farrell?

B.J. Farrell: Accept my amendment. Also, the surplus computer letter is incorrect. It is not from Legal Aid, it is actually from the Law Library.

President Musgrave: Okay, so we want to amend it for that as well.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Any other business? Motion to adjourn.

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

(The meeting was adjourned at 4:50 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (2)	Burdette Park (2)	Auditor (1)
Prosecutor (1)		

Travel Requests:

County Engineer (1)	Health Department (1)	Legal Aid (1)
---------------------	-----------------------	---------------

Auditor:

Submit A/P Vouchers.

Barrett Law Lien Release: Tax Code 03-110-03-132-009: Mill Terrace

Commissioners:

Burdette Park Appropriations Request Letter.

Vision-e Monthly Report.

Department Head Meeting Notes 3/7/06.

Health Department: Appointment of Local Health Officer Paperwork.

Purchasing: Monthly report-January 2006.

Law Library: Surplus letter: various computer equipment.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Kathryn Schymik	B.J. Farrell
Madelyn Grayson	John Stoll	Mark Foster
Dona Bergman	Patty Avery	Maddison Seib
Dan Gettelfinger	Sherman Greer	Charles Compton
Justin Manning	Gary Heck	Steve Craig
Bill Jeffers	Mark Acker	Susan Harp
Steve Harp	Debbie Schwent	Joe Maynard
James Maxwell	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
MARCH 21, 2006**

The Vanderburgh County Board of Commissioners met in session this 21st day of March, 2006 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 March 21, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will begin with introductions to my right, Ms. Farrell?

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

Kathryn Schymik: Kathryn Schymik from the office of the County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will please join me for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the March 14, 2006 Commission Meeting Minutes

President Musgrave: We have the approval of prior minutes. We had a meeting on March 14th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Approval of the March 21, 2006 Executive Session Summary Minutes

President Musgrave: And I would like to note that we had an Executive Session today at 2:00 p.m. Commissioners Nix and Musgrave attended that, and it was to discuss pending litigation.

Welcoming of North High School Government Class Students

President Musgrave: First item on the agenda is Mike Duckworth, County Highway Superintendent. Mr. Duckworth? While he's coming to the podium, I noticed that we have several students here. Are you all with North?

Unidentified: Yes.

President Musgrave: Welcome. Is this your government class requirement?

Unidentified: Yes.

Commissioner Nix: We couldn't figure out why you're all here. Go Huskies, hey?

President Musgrave: Thank you for coming.

Commissioner Nix: Is North the only school that requires that? I'm just curious.

President Musgrave: Is North the only school that requires this?

Commissioner Nix: We get a lot of North people here.

Unidentified: Probably so.

President Musgrave: Who's your teacher?

Unidentified: Mr. Scheller.

President Musgrave: Well, tell Mr. Scheller that we think he's doing a heck of a job.

Commissioner Nix: Welcome.

Commissioner Shetler: I think there's some disagreement out there.

FEMA Tornado Clean-Up Reimbursement Update

Mike Duckworth: Good afternoon. My name is Mike Duckworth. I'm the Superintendent of the County Highway Department. I have a couple of items that I need to go over with you. First and foremost, I'm here today to present to you, and I've already provided documentation to each of the members and Mr. Fluty and Madelyn regarding the potential amounts of money that we'll be receiving from FEMA for the tornado clean-up. We have some existing balances that our vendors understand that when we receive those proceeds that they will be paid, as well as some reimbursements to some of the accounts that we had anticipated that we would have to do. So, I'm submitting that today in anticipation that we'll be receiving those funds very shortly. I wanted to kind of work ahead of things. The only other comment that I have toward that has to do with insurance proceeds. The last I had heard we had received \$72,000, but we were supposed to have the remaining part of that to equal \$100,000 in by March 15th. I would ask Mr. Ziemer's group to check on that, because I think they were handling that.

President Musgrave: Later in today's meeting, there will be an announcement that we have received the remainder of that money.

Mike Duckworth: Okay, with that proceed, if my figures are correct, and I believe they are, we'll be reimbursed to the amount of \$357,852.38. That included all the clean-up to that, the overtime, and the use of equipment, as well as the payment of the contractors that we had at that location. So, I've submitted that to you. Mr. Fluty has it. When those funds are in, I'll be back with the final report for you, and we'll go to the Council or do whatever is necessary.

Preliminary 2006 Paving List

Mike Duckworth: Today, the other matter that I have before you is an initial report for the 2006 paving season. Of course, we are trying to get through the last spurt of winter, at this point in time. There's flurries out there today, and we hope that that's all we get, not like Indianapolis, but with snow removal and the weather being on the roadways, it causes deterioration. My crews have taken information, as the Commissioners have, during the road hearings that we handled in February and March. We've taken information from telephone calls and e-mails, and we have, I think you have a copy before you, but for the audience, we have before you a listing of those roadways as a preliminary report. They represent approximately 33 miles of road. Last year we did just little over 32 miles. The previous year it was 29 miles of roadway. For your information, the county has in excess of 750 miles of roadway, including the many, many subdivisions that we have, that are not paved with asphalt, but concrete streets. So, we have quite an ordeal in front of us. Just, basically, to go through this real quick with you, they are separated into north, east and west districts. Our supervisors have driven these areas, and, Laura, if I could get you to click on one of them to show folks how they can go on their website, the www.vanderburghgov.org, website, and they can pull this up. But, if you can just pull one of these roadways up. If you click on the N1, N2 where they are named on the left, a picture of the road and the deterioration of that road should come up. Here we go. You're going to have to turn it. Some of them you have to turn in the little box there. Yeah. As you can see, these are some of the types of roadways that we're looking at that have allocated to the point where they're getting pretty bad. These are the kinds of streets that we're looking at repaving. So, with the help of the County Engineer's Department, and in looking at these roadways, we've developed these, I think, 12 areas in the north, two in the east, and eight in the west. In addition to that, there is one stretch of shoulder work on New Harmony Road that we'll be doing. We have about seven or eight areas that the whole road wasn't deteriorated, but certain parts of it. So, we'll be doing a major patch work in that area. In addition to that, I would tell you that our department has bought two pieces of equipment that will not only help us repair roads, on a temporary basis, but will help us to hopefully save some of them. One is called, it's basically called a "hot box". What it does is it keeps your asphalt over a number of days. Instead of at the end of the day, when you've got some left, you don't know what to do with it, so, you have to dump it. This will keep the waste down, so that we can use it from day to day. It holds about four tons. So, that will help us in our patching area, and in our efficiency. As well as a new crack sealer. Our idea there is to start with our best roads, seal up some of those cracks that are starting now to preserve them, and then, hopefully, they will last longer and have a longer life to them. So, I present this to you today to look through. I would ask you to take this under advisement for the next couple of weeks. During that time we'll receive other calls, and depending upon the budget, depending upon what we have here, we have enough in our budget, we believe, to do all of this work, but, of course, as we get in to our pothole blitz, the first two weeks of April, we will surely find more problems out there, and we will monitor that, and, hopefully, at the end of this season be able to complete the process.

President Musgrave: Have you established firmly the dates for the pothole blitz?

Mike Duckworth: Starting April 3rd, the first two weeks of April. I believe, after talking to Mr. Ziemer of the city, they are going to conduct theirs at the same time.

President Musgrave: Alright, we will not have a meeting next week, and you may want to tell Mr. Scheller that there will be no Commission meeting next week while everybody's on vacation from the School Corp. I know that's school vacation time too. So, he can't sentence anybody to come down and watch our meeting.

Commissioner Nix: Sentence.

President Musgrave: I'm sorry, assign anyone to come down. So, pothole blitz starting April 3rd.

Mike Duckworth: Yes.

President Musgrave: Call in your potholes now. Those are the ones in the county. If you call us by mistake, we'll go ahead and note that down and refer it over to the city.

Mike Duckworth: Exactly. One last thing, because we think it's important for our group to continue the training and education, next week, while everybody's on spring break enjoying themselves, myself and two supervisors will be attending the Purdue road school, which is training about the work that we do. I would tell you that Sherman Greer and myself will be doing a presentation on the tornado relief, so that other communities can not make the same mistakes we made, and, hopefully, learn from the experience that we went through.

Commissioner Nix: Let me make sure I'm clear on it. You're going to bring this back to us in two weeks for approval then? Are you saying two or three weeks? Did we agree on that?

Mike Duckworth: That's up to you. If you want to make adjustments, you know, you can contact me, we can make adjustments, add to, subtract from, whatever the case may be.

Commissioner Nix: I think three would be fine.

Mike Duckworth: If you want to extend it to three weeks, that would be fine.

Commissioner Nix: When would you anticipate starting paving? Just so we kind of get a, we can back ourselves into this then.

Mike Duckworth: Toward, well, toward the middle to late April.

Commissioner Nix: Okay, that gives us enough time then.

Commissioner Shetler: Mike, on most of these you're doing what, an inch and a half or two inch overlay?

Mike Duckworth: Depending upon the condition of the roadway, how much overlay, or how much has been there. I mean, we've got a saw where we can cut. We've got, you know, and replace areas that are too high to their curbs. We also have an

agreement with John that if we get into an area that needs to be completely milled out, that we could contract that milling out. So, it just depends upon the area that we get into.

Commissioner Shetler: So, in other words, you try to taper to go into the shoulder of the road and stuff?

Mike Duckworth: To the ditches, yes.

Commissioner Shetler: Right.

Mike Duckworth: We will do, we will send tree crews out to make sure that the trees are moved away from the highway. We will send crews out to cut the shoulders of the road, so that there's proper drainage. We will then pave the road, like you say, crown them, so that we have proper drainage. As well, after that, we will come back through and make sure that there's a nice, rock shoulder on the road, so that we don't have drop-offs, as well as striping when necessary.

Commissioner Shetler: Yeah, that's my biggest concern, because you get the drop off on those county roads that are narrow anyway, and that creates a pretty–

Mike Duckworth: During the pothole blitz, if people know of areas like that, you know, we can send crews out to fix those as well.

Commissioner Shetler: Okay.

President Musgrave: What is the number to call?

Mike Duckworth: 435-5777.

President Musgrave: Okay, and I know they can call 24 hours a day, and a leave a message after hours.

Mike Duckworth: If it's an emergency situation they can call 911, and a supervisor will be dispatched. If it's a general business situation and after hours of operation, after 4:00, they can leave a message and we'll get right back to them the next day.

President Musgrave: We want them to call 435-5777 during normal business hours, and don't call 911 during those business hours.

Mike Duckworth: Not unless it's an emergency of some type.

President Musgrave: Okay.

Mike Duckworth: Thank you.

President Musgrave: Alright, thank you.

Permission to Open VC-07-2006: Burdette Park T-Shirt Bids
--

President Musgrave: Next on our agenda is the permission to open the bids for VC-07-2006, Burdette Park t-shirts.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We'll proceed to open those, and we'll read them out later during the attorney's report.

Vision-e Presentation

President Musgrave: Vision-e update. We have Mr. Jim Holderead here for a short presentation regarding the activities of Vision-e in the last several months. Thank you.

Jim Holderead: Thank you. We want to thank you for the financial support you give Vision-e, and we're here to give you a brief update on what we've been doing in the economic development world over the past few months, since Ken Robinson left. The mission of Vision-e is to create new jobs, expand the economic base of the region, and to improve the quality of life of the entire region by attracting new businesses and retaining and expanding existing businesses. Business attraction involves advertising and marketing. Our marketing activities have involved a placement of several ads in vertical publications, which are aimed primarily at corporate real estate executives, and corporate real estate brokers that are involved in the site location process. We also have a website up, it's www.vision-e.org, if you want to check it out. We have noticed over the past few months an increase in the number of visitors we've been getting, and that correlates with the increase in the activity in the economic development inquiries. We do also have a partnership arrangement with the Indiana Economic Development Corporation, and we receive a number of prospect inquiries through the IEDC Insights lead mechanism. We also do direct mail, and we keep in regular contact with selected corporations. The advertising leads over the past few months have been disappointing. Everyone is in the electronic mode now, and so, the ad leads have dwindled, and the direct responses to our website, and other electronic means have increased. So, we're getting much more activity, direct contacts through the e-mails and the website activity. We're also getting telephone calls as a result of their interest in the area. We have had a bit of a problem, since we're somewhat understaffed, in turning things around rapidly. They demand rapid turn around. The information packages that we prepare often have to be sent electronically. They don't want it tomorrow, they want it right now. Fed Ex isn't fast enough for them anymore. So, that's been a challenge in a small staffed organization. We've received a number of large requests for information. By large, these RFI's as we refer to them have, oh, 25 pages. I think the last one we did turned out to be 33 pages of content after we completed the answers to all the questions. The largest one we've done in the past few months was 63 pages after we completed all the contents. There are some good things that are happening as a result of this activity. We've had several visitors to the area. There was a project that we worked on back in December. We had a visit from a German company that is looking at the area. That project is still pending. They have not made a location decision. They're still studying the information that we gave them. We have an Ag research project that is getting

close to a decision. Those gentlemen have made two visits to the area. We've been working in support of the Port of Indiana at Mt. Vernon on a large steel project. That is presently on hold, although, I think that it still looks good. The port has had an awful lot of steel business, and that's an excellent location for this project. We've been working with a wood products company that contacted us looking for a building in southern Indiana. We have looked at properties here in the surrounding counties. That project is looking very good. Ms. Musgrave, you mentioned the Ethanol projects as a special interest. We got one more today, that is in addition to the two that we've been working, and I was talking with Phil Wilsbacher, the director of the port out at Mt. Vernon, and he's working with two additional projects. So, we've got five looking at the area now. We've been working with a consultant that's doing a site study for a drug related project. That has been continuing over the past few months, and I think that they're getting close to a location decision. One of the bad news things about what's happened is we have found that the inventory of buildings and sites has been going down dramatically. We don't have any large buildings on the inventory right now, and the large sites are dwindling. So, we need to encourage developers to get out there and do things for us, because the absorption of sites and buildings has been pretty good over the past few months. We have also been working with a food ingredients project that's looking very promising. We have a corporate back office project that is pending. So, we've been busy handling out of town prospects. We've also been handling some prospects, or some inquiries from local companies, and we've been assisting them with their searches for sites and buildings. In addition to the real estate questions, we have served as an information resource office for the area, and we have lots of inquiries about business questions. We get calls from appraisers, we get calls from bank examiners, we get calls from all kinds of business people that are looking for information, and we try to be responsive to those calls. Today we had a visitor that just walked in saying that he's interested in establishing a business here. So, we do a lot of that too, and we try to keep our data bases up to date so we can be responsive to their inquiries. That's all I have in my report. Do you have any questions?

Commissioner Shetler: A comment, and that is, obviously, you're doing something right. I think the state of Indiana last year had 10,000 new jobs, 2,500 of those from the Vanderburgh County area. So, I think that's speaking highly of the job that you're doing, and the entire Vision-e board. So, I think you're to be applauded for that.

Jim Holderead: Thank you very much.

President Musgrave: Thank you for coming, Jim. Appreciate the report.

Canoe Evansville Presentation

President Musgrave: We now are pleased to welcome Amy Brown of Canoe Evansville. Amy will present a program on canoeing opportunities.

Amy Brown: I'm actually with the Wesselman Nature Society. I just happen to manage their program which they have named Canoe Evansville. Sorry, I'll have to—

President Musgrave: Stop.

Amy Brown: Alright.

President Musgrave: Bend the microphone that way. There you go.

Amy Brown: There we go. Thank you very much for the opportunity to tell you more about our program. Like I said, I am Amy Brown, and I have been the program manager, this will be my second season, going into my second season with this program. I'll tell you a little, let's see, Wesselman Nature Society, as you know, is a parent organization for the Wesselman Woods Nature Preserve, Howell Wetlands, and their newest program, which is Canoe Evansville. They manage the first two programs, Wesselman Woods and Howell Wetlands in conjunction and partnering with the City of Evansville. The newest program, Canoe Evansville, was started in August of 2003. The Nature Society's mission is to enhance our natural resources and the education of these in our community area, as well as protecting them. The program was started in 2003 when the director of Wesselman Woods wrote a grant and was approved a grant and wholehearted support from the Rotary Club and the Alcoa Foundation. The vision was allowing people to understand our natural waterways. They would then want to protect those natural waterways and habitats as well as learning about the effects of urbanization on water. They have certified the program manger, myself, as a naturalist. I'm also a certified interpretive guide with Project Wet and protecting our watersheds through earth forests. I am also a canoe instructor. We have an Americorp volunteer that's a watershed coordinator. So, we have all been trained to work with these types of programs, along with getting a grant from our natural resources department. You guys know the significance of Pigeon Creek. I work with a lot of school groups and a lot of organizations that don't quite understand what's going on down there. They think it's just a drainage ditch. It's not. It incorporates a large area, 41 miles in length, 48 percent of the watershed is farmed, five percent is considered urban, 21 percent is still remaining forest, it's not a huge amount, but we see that as a very important part for us to help teach people about. Here you can see the watershed, I'm taking this out of GIS that we're allowed to see these things, but it shows that it's almost half of Vanderburgh County is in the Pigeon Creek watershed. So, what we do, where we build and what green space we inhabit all affects this watershed. Also, one very important thing is the fact that it is a wildlife corridor. There's a direct wildlife corridor to Wesselman Woods Nature Preserve. So, without Pigeon Creek being protected, and possibly even restored in some areas, we will, it decreases wild diversity to Wesselman Woods. So, it's important for us to teach people about this and their affects again on the Pigeon Creek. Even last year we had several tons of spoiled concrete that was dumped right on the creek, and that, in effect, killed off a lot of trees in the area, you know, in the encompassing area. But, we are down there being able to tell people about it when it happens, telling officials when it happens, and therefore the companies or people are then responsible for those actions. Preservation through exploration, from a scientific standpoint Pigeon Creek does act like a healthy waterway. We find indicators, which like benthic macro invertebrates, that we test for that show that, you know, there are things there that say, this is, these aren't here unless it's a healthy waterway. So, other than, you know, sometimes after a major rain event, the Pigeon Creek is still decreased a lot in it's pollutants. So, that's a very good thing to show. So, getting people out on it to, again, show them how significant that is. But, we do ongoing testing, we work with other local organizations to do that, and we test for ecoli and macro invertebrates, and then other larger species do so, like our wood ducks. We also train other people to be able to do this as well. So, we train volunteers for Riverwatch, Hoosier Riverwatch. We work with the Soil and Water Conservation District, the Greenway, Earth Forest, U of E, United Way, Ohio Valley Paddlers, Bosse Environmental Club has helped us a lot, we've

been working with them and many other organizations. Last fall's United Way, you may have read about, we brought out 460 pounds of non-recyclable metal, or 460 pounds of recyclable metal, a dump truck full of non-recyclables and ten tires, and that was in about a three hour period with a fairly small group. We do these clean-ups though on a very regular basis. So, we're constantly organizing groups to do this. Last year alone, our program used Wesselman Nature Society to get out to a large number of people just through events. So, like some of you participated in the Wabash Heritage Paddlefest, were able to get out on some of our other local waterways and see their resources as well. I think we hit about 3,050 is what we're averaging people through these organizations. There was 300 just at that one event. So, what is it about Pigeon Creek that you may not recognize is a lot of the peacefulness about it. When you go down there people don't realize it's like an oasis in the middle of the city and county. But, and I'm going to try to get through this for you as quickly as possible. We offer 23 Pigeon Creek canoe tour programs, seven Hovey Lake, which is a natural oxbow and we're very lucky to have that in our area as well, three Wabash River canoe trips, and five other waterways like Bluegrass Fish and Wildlife Area, which we use for our moonlight paddles. Wesselman Nature Society also does some instruction. We use this more as a fundraiser to an extent, but it does allow people to learn how to be able to get out into nature and explore it safely. A couple of people from this group that were here actually came from Indianapolis to participate in our programs, and we've also had people from Tennessee and other areas come just to participate in this program. The couple from Tennessee actually have come on three, have come up for three different of our programs. We also teach scouts, and while teaching them to canoe appropriately, most of what we put into them is instilling these, responsibility, and understanding of nature. So, that is our most important focus. We develop new trips, programs like wildflower tours, birdwatching, moonlight paddles, which we've had 100 percent repeat participation on those, people really like them, adaptive paddling, so, we've worked with ARC on some of our programs, and others, we're doing a bat program as well this coming season. This is one of our moonlight paddles. Also, there's an osprey nest there that we visit. This is Hovey Lake, it's like paddling through a forest in some parts. We've also worked with the FOP Youth Camp this past summer. We hope to do so again. The FOP partnered with us and paid for these children to be able to go. We do believe that this is a lifelong skill. It's something that gets people out. You should have seen these kids. More than half of them had never even been to a lake before. We got them out there and they're like, are there fish in there? You know, and they just started asking all these questions. Many of them at first, like wouldn't go out. Then little by little when they saw their friends out there, they all got out on the water, and this was just such a new experience for them. It was just, you could see the walls breaking down between, you know, between concrete and nature. You know, making them realize that they themselves could do this, and seeing the kids together, you know, working together to have to speak to one another, and really work things out to be able to get the boat to move to where it needs to go. Then from there, once they get past that, being able to show them, okay, go over and look at this and look at that, and do you see the algae and what that is for? You know, all the little things, but you break down those barriers a little at a time, and this is a lifelong thing. They learn it while they're young, but they'll do it all the way through retirement, you know, possibly, and teach their kids to do it. It's a family activity. Over 51 million people canoed in the year 2004. I got that from the Professional Paddlesports Association. That's as many people that used motorboats. So, as you can see, this is an activity that is for just about anyone. You can also see that it brings a lot of people, it can bring a lot of people in to use our natural resources in our area. It's why ecotours are so big now. Louisville has an excellent program that we're trying to somewhat kind of copy

in a way. Their metro parks and civic organizations, their school corporation and their local sewage department have all gotten together to build an environmental education program that uses canoeing. So, they do that throughout their whole system. All their schools use this to learn about environmental education. Their Mayor actually bought the canoes for them. So, it was, it's really neat to see all these different communities using the program. We actually have one volunteer that's 90 years old. It is an organization, or it is a program that will enhance our community. So, our program helps us explore waterways, which most people don't even know exist, in ways. We provide education and classes and public volunteers and involvement. So, this is what is considered experiential education. It doesn't want to work now. So, anyway, this tells you a little bit about the Canoe Evansville program and where it's gone since last year, and what we plan to do in the future.

President Musgrave: Now, if somebody wanted to contact you, do you have a phone number, website?

Amy Brown: They contact Wesselman Woods, they call the Nature Center, which is 479-0771, extension 5#, which is about the canoe programs. The website is www.wesselmannaturesociety.org, and they can learn all about Wesselman's programs. All of the Wesselman Nature Society programs are wonderful and really expanding right now.

President Musgrave: Do you have brochures for this?

Amy Brown: I do. I can—

President Musgrave: I would like to see one. Are they available down at the Pagoda as well?

Amy Brown: Yes, they are. They are available at the Pagoda, and there is a number of places, the zoo has them, and there's quite a few places you can go to get them. Our programs start in April and they go through November. We're booking programs now for the general public and for scouts and school programs.

President Musgrave: Well, thank you very much. Do you have any questions?

Amy Brown: Do you have questions about our program?

President Musgrave: Learned a great deal about it, and you obviously have a great deal of passion and enthusiasm for it.

Amy Brown: Well, thank you.

President Musgrave: Thank you for coming.

Amy Brown: It's a fantastic program.

**Permission to Award: VC06-03-01:
New Harmony Road Embankment Repair Project**

President Musgrave: County Engineer, ah, there you are, permission to award VC06-03-01, New Harmony Road embankment repair.

John Stoll: I would like to request that you award this contract to CCC of Evansville for the amount of \$48,484.36. They provided the low bid on the project.

Commissioner Shetler: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Thanks.

Discussion of Letter from Mark Deputy

Commissioner Shetler: John, while you're here, I received a letter, I was going to do this underneath new business, but you may want to get rolling here, but from a Mr. Mark Deputy, and it's about the private road that they would like to petition to have accepted by the county standards. There are some commitments that they are willing to make as a neighborhood association to bring it into line, or compliance with most of the regulations that we require. I thought perhaps you could look this over, as County Engineer, and then come back with a recommendation in the next couple, three weeks and let us know. There are outlines and things there. You might even get in touch with Mr. Deputy and perhaps, I don't know if it's necessary to work out or negotiate or to talk about some of those things and stuff like that, that maybe we can get to some kind of point here where it gets close. Because I know it's something they've been working on for 20 years.

John Stoll: Okay. Sure.

President Musgrave: Mr. Stoll, do you want to go ahead and make your report while you're at the microphone?

John Stoll: I didn't have anything else to report.

President Musgrave: Nothing to report. Thank you.

Permission to Advertise: VC9903-2006: Burdette Park Food Bids

President Musgrave: Permission to advertise, Purchasing. Is Purchasing still here? Thank you. This will be for VC9903-2006, Burdette Park food bids.

Phil Lawrence: Yes, Madam Chairman, Commissioner Shetler, I would like your permission to advertise. The advertisement dates will be March 24th, March 31st, and opened here April 11th.

President Musgrave: Okay.

Commissioner Shetler: So moved.

President Musgrave: Second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: The motion carries. I look forward to a successful—

Reading of Bids for VC-07-2006: Burdette Park T-Shirts

Phil Lawrence: The t-shirts bids?

President Musgrave: Do you want to go ahead and open those?

Kathryn Schymik: We can go ahead and do that. I've opened the bids. Siegel's Uniforms submitted a bid of \$5,257.40; Southwest Graphics and Apparel submitted a bid of \$4,417.50; Phoenix of Evansville, \$3,969.37; and Chips, Inc., \$4,425.65.

Phil Lawrence: Great.

President Musgrave: Is there a motion to take under advisement?

Commissioner Shetler: So moved.

President Musgrave: Second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: The motion carries.

Phil Lawrence: Thank you.

President Musgrave: Thank you, sir.

**Quit Claims and Sales Disclosures for
105 Madison, 600 Jefferson and 743 E. Chandler**

President Musgrave: Ms. Schymik, I believe you have the quit claim deeds and sales disclosures for 105 Madison, 600 Jefferson and 743 E. Chandler?

Kathryn Schymik: Madelyn actually has those for your signatures following the meeting today, but the Redevelopment Commission, that's the Evansville Redevelopment Commission did pass their resolution this morning accepting those properties. So, at the end of today's meeting if the Commissioners will execute the deeds and sales disclosure forms, then we will deliver those back to the Redevelopment Commission and they will be responsible for recording those documents.

President Musgrave: Did we, do we need a motion to execute those today? I think we do. Is there a motion?

Commissioner Shetler: I'll move that.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: The motion carries. Thank you for that. This is part of our ongoing cooperative project with the City of Evansville where we, when we can,

deed over properties in the specified inner city area, to the city, for redevelopment. This is causing, this was an outgrowth of some of the difficulties of managing properties that constantly needed visits by the Health Department, Code Enforcement, were serious drains on the resources of city government. So, we entered into a relationship whereby the county instead of selling these properties at tax sales or Commissioners sales, instead worked with the city to transfer ownership to the city, so that they could be positively redeveloped. I would like to thank you for your work on that. I know that there are a number of details that always need to be resolved before anything can move forward.

**Resolution CO.R-03-06-010:
Regarding Sale of Property to Abutting Property Owner**

President Musgrave: We have now a resolution for a sale of a piece of property to an abutting property owner. The tax code i.d. of the property is 09-730-17-150-011, county resolution 03-06-010. This is for the sale of the vacant lot, behind the house with an address of 1836 North Colony. This is a piece of property that the County Commissioners own, and the neighboring landowner would like to buy it. It's my understanding that we need to pass the resolution today in order to make that happen. So, a motion and a second and a vote.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: We'll move forward with that.

Permission to Advertise the Sale of Abutting Property

President Musgrave: We have another piece of property, no, that's the same piece of property. Permission to advertise the sale of the property. So, we need to advertise this for the property behind 1836 North Colony, the tax code as I just read it.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: The motion carries.

KRONOS Maintenance Agreement

President Musgrave: We move on now to contracts, agreements and leases. I understand that the KRONOS maintenance agreement is an annual contract with the County Auditor's office. If there are any questions? If not, is there a motion?

Commissioner Shetler: So moved.

President Musgrave: I will second. All those in favor? Aye.

Commissioner Shetler: Aye.

Burdette Park

President Musgrave: We come now to department head reports, Burdette Park? I understand that Gary is here today.

Gary Hohman: Yes, thank you, Gary Hohman, Assistant Manager at Burdette Park. I'm here today to seek permission for bids for the construction of the spray park that will be adjacent to the Burdette Park aquatic center. We're asking that these bids be returned on April the 4th, opened and reviewed following that, and then awarded on the 11th. All of these bids and specifications have been approved by Mr. Lawrence and also Roger Lehman and the Building Commission. So, they are ready to go, and we're chomping at the bit to get it started.

President Musgrave: Okay.

Commissioner Shetler: Gary, what kind of time line to we have on this?

Gary Hohman: We're looking for construction to be completed May the 28th, the same day that the pool is to open.

Commissioner Shetler: Okay, so that's going to be, sounds like it's pretty tight.

Gary Hohman: According to all of the material suppliers and the contractors that we've dealt with dealing with this project, it is conceivable that it can be done within this time frame.

Commissioner Shetler: How many days of construction are they allowing?

Gary Hohman: We've got from the, proceed to start would be immediately following the 11th, awarding of the contract. The materials for the spray park have already been ordered, you awarded them to be purchased previously. They're looking at a possibly two to three week total construction of the project.

Commissioner Shetler: Okay. Alright, thank you.

President Musgrave: Is there a motion? Do you want to go ahead and make the motion?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: If we'll hold while they change the tape.

(Tape change)

Gary Hohman: That's all I have, Madam Chairman. Thank you.

President Musgrave: Thank you. Thank you for coming. April 4th will be a very busy bid opening day.

Kathryn Schymik: It will be for Ted.

Superintendent of County Buildings

President Musgrave: I understand we took care of the County Engineer. Ms. Farrell?

B.J. Farrell: Back in September of 2005 the Commissioners did grant Mr. Craig's request to surplus some bumper boats and the parts. I have talked to Wolfe's Auto Auction, they are willing to have those bumper boats in their auction on the 30th of this month and sell them for whatever price we could get for them. I would ask the Commissioners approval to do that, as that would be much more convenient than trying to store them on the lawn at the Old Courthouse and sell them at the county sale on April the 8th.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: So, this is your big opportunity to go to Wolfe's Auto Auction on what date, do you know?

B.J. Farrell: The 30th.

President Musgrave: April 30th, or March?

B.J. Farrell: March 30th.

President Musgrave: Wow, and buy one of the vintage bumper boats from Burdette Park. Boy, you can almost say that three times fast. Do we also have another agreement?

B.J. Farrell: Yes, and I have asked the County Attorney representative, Kathryn Daniels, Schymik, I'm sorry, you've gotten married, to review the Ivy Tech agreement that was sent to us utilizing their facility for a polling place. She has reviewed that document, it is satisfactory, and I ask the Commissioners to sign it.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: That was on the polling place list that we passed last week?

B.J. Farrell: Yes, it was. This is the agreement that they send out for someone to use their facility.

County Attorney

President Musgrave: Alright. My records show no other reports, except possibly County Attorney.

Kathryn Schymik: No report.

President Musgrave: Nothing to report.

New Business

President Musgrave: New business? We covered the road item under, is there any other new business?

Old Business

President Musgrave: Old business? The veterans hospital support letter. Commissioner Shetler?

Commissioner Shetler: Yes, we've been working on a letter that, basically, to go along with what was sent out last week by Mark Acker on the, supporting the use of Welborn Hospital facility and/or any other facility that the Senator might find, this is going to Senator Lugar, that might find reasonable in the Vanderburgh County area. The main emphasis is, is that we want to point out to the Senator that we would like to have a facility located in Vanderburgh County, and we feel that the Welborn facility is a natural, because that's what it was built for. It would be nice to keep that what it was intended for, to be utilized to it's max. In addition to that, it is an urban setting that we would not want any deterioration to take place in that particular environment. So, we've sent a companion letter along to the Senator asking that, one, Vanderburgh County be used as a site for the Veterans Administration hospital, and, two, that Welborn be considered.

President Musgrave: Would you also like to send that to, I think the letter last week went to both Senators and perhaps the Veterans Service, would you like to send copies to them as well?

Commissioner Shetler: Yes.

President Musgrave: Okay.

Commissioner Shetler: I was remiss in not mentioning that we should send it to all concerned. Thank you.

President Musgrave: Okay. Do you want to make the motion?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: The motion carries. Any other old business? Public comment, Mr.—

B.J. Farrell: I'm sorry. I wasn't quick enough with that switch. The insurance checks that we have received.

President Musgrave: Oh.

B.J. Farrell: I do have insurance checks received, and Tom Simpson today did come to our office and confirm that \$19,013.63 may be placed back on the Tubes & Tires line item within the County Highway budget.

President Musgrave: Alright, so this is the remaining insurance money that was collected by Westbrook Corporation for the debris removal that the Highway Department, we contracted with them to remove the mobile homes and other debris that was a result of the tornado. So, this completes their contractual obligations in turning over a total of \$100,000 to the county. So, today's action will deposit the remainder with the Auditor, and the Auditor will put a certain amount of that, the amount read off by Ms. Farrell directly into the line item for the damaged tubes and tires, the damage incurred by the Highway Department on-site. The rest will go into the Cash Management Account, is that correct?

Bill Fluty: Yes.

President Musgrave: Okay.

B.J. Farrell: There is a spreadsheet attached with that dollar figure that Mr. Simpson reviewed earlier today.

President Musgrave: Alright, thank you very much.

Public Comment

President Musgrave: Now, public comment. Mr. Bob Koressell asked to come forward. Is he still here today?

Bill Fluty: He talked with Mike.

President Musgrave: Oh, he spoke with Mike Duckworth before the meeting? Okay. Is there anyone else who would like to comment to the Commissioners? I see no one.

Unidentified: I do.

President Musgrave: Oh, I didn't see you. Please come forward. State your name and address for the record please.

Brian Whitledge: My name is Brian Whitledge, 6001 North Green River Road. I was kind of waiting, I thought people behind me, I got here kind of late, and I thought they wanted to go first. I've just got a couple of questions. I know there's a phase three of Green River Road expansion project, widening project, and that's going to directly affect me and Plainview Acres. Plainview Acres is the subdivision which is north of Pigeon Creek on the east side of Green River Road. Sugar Mill, or not Sugar Mill

Creek, I'm trying to think, Keystone Subdivision is directly across the road that runs all the way to Oak Hill Road, okay. Then there's two or three subdivisions north of Millersburg Road on Green River Road, and all of these new subdivisions have and enjoy sewage. Everybody that's on the east side of the road does not enjoy that. All the way up to roughly Kansas Road. The new soccer complex and all those new expansions and projects that are up through there. I know that the road is going to be widened. I'm not sure when the slated, scheduled time is for that. I know phase two is supposed to start next year, with phase three roughly in 2008. I'm not sure. But, I was wondering, what do we have to do to get sewers in that area? How do we start the ball rolling? If anybody has any information for me, or where I can get this information.

Commissioner Shetler: Well, that is primarily a city function through the Utility Department, Water and Sewer. Basically, you would probably need to petition through them, and it's a matter of really private owners paying for that on their own. It's a tap in fee, plus if you have to run trunk lines to your properties and etcetera like that.

Brian Whitledge: Right. Lift stations have to be, we've researched it vaguely, not extensively. Lift stations were installed for Keystone, but they are not compatible for the existing neighborhoods, which is roughly 42 houses. The biggest thing is, when they widen that road, it's still not maybe installed, so, then you're asking for further damage and construction, you know, going back through. But, if it is a city matter, you know, since we're in the county, I just thought it would be a county matter. I know the sewage and water is run by the city—

President Musgrave: Right.

Brian Whitledge: —so, is there a City Council meeting that I may need to attend to address this?

Commissioner Shetler: I'm not sure going directly to the City Council, it would probably be more appropriately the Utility Board, but Bill Jeffers, our County Surveyor, has a comment on it.

Brian Whitledge: Okay.

Bill Jeffers: I was talking to Bruce Biggerstaff, the developer of Keystone Estates, last Tuesday evening, and asked him about the sewer situation for Irene and Bassett Roads, is that your—

Brian Whitledge: I'm right smack dab between them.

Bill Jeffers: —right. The homes to the east of Green River Road on Irene and Bassett, and he told me that the sewer has been extended, the trunk line has been extended, and the pump station is there. Now, whether the capacity is there, I do not know, that would have to be addressed by the Sewer Department, as you have said, Commissioner Shetler, but the taps would have to be extended under Green River Road to the east. To the best of my understanding, Mr. Biggerstaff indicated that would be the responsibility of the homeowners on the east side paying for that extension or working through the Sewer Board to acquire it. But, the trunk line's there and it does have capacity, I think the pump station does as well.

President Musgrave: County Engineer, John Stoll would also like to make a remark.

John Stoll: Typically, when they do put a lift station in, they do size it to accommodate as large of an area as possible. So, given the fact that they put one in in conjunction with Keystone, I would think that it would have the capacity to serve anything within that drainage basin. That, there again, like Bill Jeffers said, that's something that the Sewer Department would have to verify, but I suspect that it would be, that it would have the capacity, and, typically, in regard to any projects, sewer projects that the county's been involved in, it's been Barrett Law projects initiated by the property owners who wish to get the sewer services. In that situation, the residents get together and come up with the plans and everything, and then the county facilitates the bidding and oversees the construction. But, in turn, the costs are turned around and assessed back to the individual property owners who get the sewer.

President Musgrave: Now, you were discussing the time line for the project, and it's good news and bad news. The time line has been moved forward considerably, and if you would like to go ahead and explain the time line for Green River Road as it stands pending the completion of all the financing.

John Stoll: If the local funds through the TIF bond can all be used rather than any federal funds, then we could go to construction in phase two next year. It would probably be a two year construction project. Even if the project did proceed, any sewer lines, if the sewer lines were installed in advance, they could always be bored back underneath the road without having to go out and cut the brand new pavement.

Commissioner Shetler: But, I would say, it would probably be less expensive to do it today, as opposed to doing it three years from now. Wouldn't you? I mean, as an engineer—

John Stoll: If they were, it depends on how they did it. I mean, open cutting Green River Road would be a major headache because it would shut down the road for any laterals or trunk lines that were extended—

Commissioner Shetler: I'm not sure we would grant that kind of permission anyway.

John Stoll: Right, so, it might have to be bored right now, if the project proceeded right now. You would just have a wider area, wider pavement that would have to be bored underneath in the future condition rather than what exists right now.

Commissioner Shetler: Now, in a cost for the neighbors, would it be extending the trunk line, plus the standard tap in fee? Or would there be more involved than that?

John Stoll: As far as I know that would be it. Any sewer line extension, any laterals, any tap in fees.

Commissioner Shetler: Now, does the tap in fee, I know it was pretty standard for years, and I think they raised it last year. Did they?

John Stoll: They did, and I don't recall what it is off the top of my head.

Commissioner Shetler: Was that something that, I don't know, that they were going to raise it over a period of years as well? Or was it just that last year was it?

John Stoll: I'm not sure. We're not involved enough in sewer projects—

Commissioner Shetler: Right.

John Stoll: –that I remember exactly how their fee structure worked.

Commissioner Shetler: I guess, what I'm trying to emphasize here is that the quicker the better for you guys to keep the price down as much as possible. But, you know, we're willing to work, you know, the County Engineer has indicated here that we're willing to work with you all and do what we can, as far as any kind of funding mechanisms that may be available to you out there.

Brian Whitledge: The organization of the neighborhood, we did it in '91 when we got water installed, and I know it's a big, and I actually was the organizer for that group then. I will be for this group also for this project. It's very, it's crucial, I think, for the, like couldn't have been a better night to have the Canoe Evansville people here, because they're canoeing on Pigeon Creek, it's the most polluted waterway in Vanderburgh County. It's the most beautiful. It's the only one that runs through, but it's also the most polluted. There's a lot of culprits up in my area that are contributing to this. I know the Little Bluegrass Creek is also another troubled area, and that's where eventually all this affluent that is in the area will go. It travels right to Pigeon. Well, I just didn't know how to actually get started on this.

President Musgrave: I would go to the Utility Board.

Brian Whitledge: The Utility Board?

President Musgrave: I think they meet twice a month, don't they, John? I don't know when their next meeting is. So, you might want to stop in the Water Department, although I think they are closing in four minutes. No? They stay open until 5:00? Alright.

Brian Whitledge: The Water Department?

President Musgrave: Down on the first floor, across from the information desk.

Brian Whitledge: Okay.

President Musgrave: They'll let you know, they can give you information as to how to proceed.

Brian Whitledge: Okay.

President Musgrave: Okay? Good luck to you.

Brian Whitledge: Thank you very much.

President Musgrave: Let us know when you get more along in the Barrett Law project, because I think you'll have to come back to us.

Brian Whitledge: Okay.

President Musgrave: Alright.

Brian Whitledge: It will be a pleasure.

President Musgrave: Thank you. Any other comment? I see none this time.

Consent Items

President Musgrave: We have consent items, are there any amendments to the consent agenda? Is there a motion to approve?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: Motion to adjourn?

Commissioner Shetler: So moved.

President Musgrave: Second. All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: Thank you for coming from North High School. Good luck to you.

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

CONSENT ITEMS:

Employment Changes:

Prosecutor (1)	Sheriff's Office (7)	VCCC (4)
Center Assessor (1)	Health Department (1)	County Clerk (2)
County Highway (1)		

Travel Requests:

Auditor (1)	Health Department (3)
-------------	-----------------------

Superior Court/Adult Probation: Surplus letter-filing cabinets.

Burdette Park: Surplus letter-vehicle.

Auditor: Surplus letter-printers.

Commissioners:

Right-of-Way Maintenance and Indemnification Agreements-Spurling/Vincent.
Evansville ARC monthly report-February 2006.
Department Head Meeting Notes- March 14, 2006

Treasurer: Monthly report-February 2006.

Weights & Measure: Monthly report-February 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix (left at 3:45)	Tom Shetler, Jr.
Bill Fluty	Kathryn Schymik	B.J. Farrell
Madelyn Grayson	Mike Duckworth	Phil Lawrence
Jim Holderead	Amy Brown	Gary Hohman
Brian Whittedge	John Stoll	Bill Jeffers
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
APRIL 4, 2006**

The Vanderburgh County Board of Commissioners met in session this 4th day of April, 2006 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Ready, Ted?

Ted C. Ziemer, Jr.: Ready.

President Musgrave: Okay. Good afternoon. I want to call to order the April 4, 2006 meeting of the Board of Commissioners. We will start with introductions.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me for the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the March 21, 2006 Commission Meeting Minutes

President Musgrave: We have the approval of the minutes of March 21st.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Open Proposals for Baseline Road, Cross Pointe Blvd, &
Green River Road**

President Musgrave: Action items, County Engineer, permission to open proposals for Baseline Road, Cross Pointe Boulevard, and Green River Road. Is there a motion to begin opening those?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Permission to Open Quotes for Construction of Spray Park

President Musgrave: Burdette Park, permission to open quotes for the spray park construction. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The attorney will begin opening those, and we will have a report on them later.

Front Door Pride Initiative Presentation

President Musgrave: Front Door Pride Initiative. I'm pleased to welcome Greg LaMar, Director of the Department of Metropolitan Development, and Carolyn Rusk, Brownfields Coordinator. Carolyn and Mr. LaMar will make a presentation about our, it's mostly your work, but we had to give a little bit to get you going there—

Greg LaMar: Absolutely.

President Musgrave: —and we're pleased to continue doing so. You will be making this presentation also at a state conference later on?

Greg LaMar: Yes, next week, at the Indiana Brownfield Conference.

President Musgrave: Okay, so, this is a preview.

Greg LaMar: There's going to be a lot more of it. We wanted to condense it down a little bit. First of all, thank you for the invitation for us to describe our Front Door Pride Initiative. One of the questions I know that has been asked, the Brownfield Corporation, and Carolyn is going to talk a little bit about that here in a minute, has been showing up at tax sales buying a lot of tax sale property. The reason for that has been basically two major projects that the city is undertaking. The first one is the Center City Industrial Park, which is up on Fulton, and we'll talk a little bit about, which, as you can see up there. The other is actually our Neighborhood Initiative, which is our Front Door Pride. What we've been trying to do is really take properties that have been abandoned, orphaned, vacant, you name it, and we've tried to select properties that we can use for furthering neighborhood development in our industrial park. What I would like to do is call on Carolyn right now to give you kind of a background on what we've done and the corporation itself.

Carolyn Rusk: Good afternoon. Just to give you an idea first of all about the Brownfield Corporation. It was formed in 2003, and it is a 501C3 tax exempt corporation. To give you an idea of what we have purchased so far, in the last seven months on the tax sale, the certificate sale, and the expedited sale at the end of February, the corporation purchased 117 properties. Many of those are chronic tax sale properties. So, we do have that objective, to get those out of the system and back into productive use. Of those properties, 27 purchased at the tax sale last fall, six of them have only been redeemed to date. In the certificate sale last September, five of the 63 have been redeemed to date, and of the expedited sale that was held in February, only one has been redeemed. At this time we're working with some of the county representatives, hoping that we can take title to another seven that we're looking at through you, and one through ECHO. So, we're still working on acquiring more. I hope to get some of those out there next, this summer into productive use, private hands that will be tax paying entities. Then we'll just keep on purchasing additional ones. But, my major objective here is to talk about the Center City Industrial Park. Greg will be talking a little bit later about the Front Door Pride. So, if we would go to the next, I just wanted you to see where it is. This is the opinion survey that was taken, just to give you an idea of the property owners within the park, how many of them were in favor, and how many were opposed to that development. This, you can see, these are some of the purchases that we've made. These are properties that came up in the tax sale and the certificate sale last fall. I think, right now, we own ten parcels within that industrial park. So, this is an area, again, that has been long neglected. It, again, has a lot of vacant land. I didn't do any kind of a screen shot to show you the vacant parcels, but there were about 60 parcels that were vacant out of the 270 or so that are in that area. So, we need to get back to making those be in productive use, and, hopefully, help the neighborhood, as well as the entire county and community. So, with that intro, I can answer any questions that you have about this, or I can turn it over to Mr. LaMar, whichever you prefer.

President Musgrave: When I've mentioned this project, some people ask me where the money came from for the city to begin to buy these properties.

Carolyn Rusk: Well, these properties we have bought with some of our CDBG money. But, those ten properties probably we spent a total of \$20,000, maybe. I don't recall the exact amount, but we haven't spent a lot on them yet. Then, in regards to the investigation of those properties, in terms of environmental contamination that may exist, we are using a USEPA federal grant to do that. We'll have a whole variety of resources that we'll use to fund actual redevelopment of this park. Okay, I'll turn it over to Greg then. Thank you.

President Musgrave: Thank you.

Greg LaMar: Really, with the park it's a little bit, we also have a half million dollars set aside from the community, or, excuse me, the Capital Development Fund, which is from the Aztar lease, set aside for doing initiatives there in the park, so that we've got more money. Besides the, we also then, for the Front Door Pride, the Community Development Block Grant, we've set aside \$200,000 to do the acquisition, demolition and maintenance of properties as we go through this. The Front Door Pride Initiative is basically a program that was started by Mayor Weinzapfel in 2004 to really start to turn around the inner city neighborhoods. We went through a process of determining exactly where they, which ones to take on, through a series of meetings over the summer and fall of 2004. The area that you see there in green is made up of ten neighborhoods that we meet with on a monthly

basis. That's called the Focus Council, although there's also additional neighborhoods that we also meet with who are also in Pigeon Township. The, in looking at the real thing about Front Door Pride that we tried to do was to really involve the neighborhoods in what we were trying to do. Not only from the standpoint of discussing with them the general initiatives, and, basically, there are four general initiatives or goals, whatever you want to call them, that we have for Front Door Pride. The first one is to clean up the neighborhood; the second one is to increase personal and/or household income; the third one is to increase personal and/or household wealth; and the fourth one then is to actually deal with creating a diverse, mixed income neighborhood. When I say neighborhood, I'm talking about just more than just a single neighborhood, but community. The, and as part of that, one of the first things we started doing was last year we did a, basically, a windshield survey of the exteriors of houses, using a PDF file, and using the Assessor files. What we did was we went out and actually checked property by property on the exterior a variety of things. If you look at, let's see if I can get that, obviously, the tax code, here's the address, this is what the status is, what it is, what the neighborhood association is. Then you'll see down here a variety of numbers. It was from zero to ten in terms of what needs to be done to that particular property. Since this was an unoccupied lot, it seemed like it was pretty well kept, so, the score, you add these up, the score was zero. We then had a program that took that, and, basically said, okay, how much is it going to cost to do the, mothball it, if you will, on the thing? This is a different one, an unoccupied single family. Most defects are street visible. Again, as you can see, if there needs to be some foundation work, gutters can be in bad shape, and detached garage has a problem, and there's just some general problems. Again, it got a score of 42, so, it's going to cost about \$4,500. What we then did was, if you'll go back to the previous one. What we then did was, this is what we produced for the neighborhood. We then went to the neighborhood and said, okay, here are all these addresses in your neighborhood that have problems. Again, what we were looking for were basically vacant or abandoned structures and lots. We said, okay, what do you want? What do you think we ought to do? Which is the proposed action. No action, do we want to mothball it? By mothball it what we mean is, basically, set it aside so that the property can be either fixed up on the exterior so that at some point in time we can sell it or get it rehabed, but not necessarily for immediate action. For the, when there's a vacant lot, either lot split, that is split the lot between the adjoining owners, or infill housing, and I'll talk a little bit more about the infill housing later. If there is a property on there, to, basically, demolition, if that is what is needed. We then took that and developed a, plus you will see that there was also priority issues in terms of, at the bottom it asks what priorities the neighborhood had for that. In particular, the appearance of a neighborhood, particularly the curbside appeal has a very dramatic effect on, obviously, its value. One of the things that we're doing this year, again, on the clean up side, is we're going to be doing a summer youth program. We ran this last year to some extent with Memorial Community Development Corporation. We're also looking at a 96 gallon container pilot program. This is in terms of, using the big 96 gallon containers that we would give out to, we're picking one route to do that on. Again, because, what we've found is a lot of the trash and debris is actually coming from the trash collection and time. Either the dogs, animals get into it, or the bag splits, so you have a continuous generation. Then, finally, the third one is, basically, exterior code enforcement. As you know, the city has worked to develop a new property maintenance code, which has really done a, will be doing a very good job. At the same time, as you may know, the city has funded, through the Community Development Block Grant, Rodent Control. We have taken those over. They still are housed in the Health Department. We're searching for space, so when we get to that discussion, we'll talk about that, to bring them over to the city. We've actually

retitled them, not Rodent Control, but rather, Exterior Enforcement, because they'll be doing rodent as well as exterior enforcement. When we asked all of the neighborhoods, okay, now tell us what they want to do, this happens to be Bellemeade-Bayard Park, the red are unoccupied structures, the green are unimproved parcels, that is there's no improvements on that. As you can see, there's a lot of parcels that need to be helped. What we've tried to do here is, again, to identify those, and as part of this program, was to capture those properties that were problem properties. We discovered a lot of them had to deal directly with the tax foreclosure issues. That's when we came up with the idea of buying the properties and putting them into a land bank. Legally we found that the best way in which to legally do the land bank was to do it through our Brownfield Corporation, which is what now is, again, our official land banking agency here in the city. The next slide, what we then did was, of the ten neighborhoods, what we did was we've asked each neighborhood to pick 20 percent of their neighborhood of where we should concentrate first. How we picked that was, in terms of which neighborhood to take on, we had ten cards and with numbers one through ten and they randomly drew and that's where they were in terms of where we would go first. We then asked them, in your neighborhood, to pick out 20 percent of your neighborhood, or divide it into five parts, with whatever you think the first one we should be involved with as the highest priority. This happens to be the Goosetown 20 percent, that is our first round. What will happen is, we'll do 20 percent of like Tepe Park, 20 percent of Culver, 20 percent of Goosetown, 20 percent of Bellemeade-Bayard Park, down the line. Then we'll go back again and do the second 20 percent of all the neighborhoods. Again, to try to bring neighborhoods up. I'll just kind of divert here just a real quick second, in the past, what the city has done is we have had a rehab program for a number of years because of the Community Development Block Grant. What we've been able to do with that was we were able to fix up one property, but usually that property was not necessarily next to another property that we'd fixed up. So, many times, which was the case, we would fix up a property, put \$25,000 into it, which was next to, on either side, properties that were in the tax sale. So, although we made an investment in an individual property, which was very good, it was not really bringing up the neighborhood, as a whole, but rather just one property. What we've tried to do with Front Door Pride is to focus on bringing the whole neighborhood up. What, again, on the survey that we did, this is how, we again used a PDF, and this is how we basically did a lot of things. We also had a lot of other things we've did in there, the conditions, what the condition was, what we should do, the fence type, you name it and we were trying to again capture the information of which we were able to do. Trash and debris, vehicles, again all of this was turned over to the appropriate things, or appropriate enforcement arms and things like that. Besides our clean up, we're also doing exterior repairs/improvements. This is where, if you will, the next generation type of rehab that the city is going into. As I said before, we before did one house scattered throughout Pigeon Township. Again, we're trying to now concentrate on doing many houses in one spot, but several different spots. We have basically three programs that we're offering, you probably read about the Washington Avenue, which was one of our first ones that we did, meeting where we had, I think it was 80 some people show up between Washington Avenue out to Kentucky. The program is, on the roof and gutter program we offer up to \$2,000 on a 50/50 basis as a grant, so that if a roof costs \$4,000, we'll pay \$2,000, the owner pays \$2,000, that gets you \$4,000. If it costs \$5,000, we put in \$2,000, the owner puts in \$3,000 to do the work. This will all be done through city contracts. The second program is the paint/siding program. We provide a grant, again, up to \$500 for materials; paint, brushes and so forth. The property owner has to basically apply the paint and get it on, on the facility, or on the building itself, the structure. The final one is the exterior program

or repair, and that is, except for the roof and the paint, we'll provide a grant of up to \$2,500 for replacing doors, windows, foundation, whatever, if the cost is more than that, again, the property owner has to cover that. If, for example, they say that, okay, we can replace five doors, or five windows, and there's ten windows, again, we will ask that the property owner, we have to do all ten windows. We'll do our \$2,500 worth, and they do their, whatever the extra share is. Next slide. As you can see here, what we're talking about in terms of what the exterior can and can't do, and what it does and doesn't do. Unfortunately, again, appearance does make the house. What we're trying to do again is to bring a neighborhood up, a whole neighborhood up. Again, we're giving, if you will, giving away \$5,000, but it's going to do exterior things that people can see. Hopefully, that will, again, start turning a neighborhood around. In the same neighborhood that we're doing this, we're also doing the tax sale stuff. That is, because usually, not always, but usually the tax sale has a direct impact on the visual blight of the neighborhood. The only way to basically filter out the bad is to take it over somehow and solve the problem. That is why we're doing most of our purchasing in the Front Door Pride area, is to take out those lots. As I indicated before, we're simply a land bank, and what we're going to be doing is, hopefully, putting all the properties back into productive and taxing use. For those houses that can be rehabed, we'll probably do a one dollar lottery. We did something like this a number of years ago. We're looking at doing the same thing, where we will lottery off, for a dollar the property, but the individuals have to already be pre-qualified to pay for all the rehab costs from a conventional finance, in terms of a bank. So, that whatever the cost of the property is will be the amount of money that it costs them to put into the rehab. The demolition, again, once we do the demolition, we're looking at doing one of two things with those properties, either to lot split it or to new housing construction. For the sales, these are the properties that we've bought. That's a total of how many?

Carolyn Rusk: 117 to begin with.

Greg LaMar: 117, plus whatever has been redeemed.

Carolyn Rusk: Twelve.

Greg LaMar: Twelve of which have been redeemed. Okay, next slide. New house construction. Everybody says, okay, how are you going to construct new houses? The city last year received a one million dollar grant from the state, where we can, basically, underwrite the construction of a new house, up to \$25,000, as a grant. So, let's say that the house itself costs \$75,000, and if you're talking about the house itself for \$75,000, you're talking about a decent house, because we are looking at probably giving the property to the individual for a dollar. We are looking into the question of doing waivers for Building Commission, or building fees and so forth, again, to lower the cost. So, let's say you have a \$75,000 house, which is actually worth a lot more, so, you need a \$25,000 grant from us, which would be a \$50,000 conventional loan. What we're looking at again is to make the corresponding loan, the actual loan that they carry, close to what the actual appraised value of the house would be. So, a lot of times in these type of programs, the after rehab value is a lot less than when you add what the initial cost was plus the rehab. So, we're trying to not mix the market up too much, but to actually make the market work with us in terms of doing the rehab. We're also, you see Habitat up there. We have been working very, very closely with Habitat in a variety of programs. In the Front Door Pride area, the neighborhoods have indicated that some of them do not want to see Habitat houses built there anymore, because most Habitat houses that have been built, have been built in that Front Door Pride area. In fact, I think it's 270 almost,

275, 76 houses that they've built. The neighborhoods have said, we've done our part, now we need to do something else. What we've then done is to work with Habitat, through the tax sale as well, that's why, if you noticed, Habitat is not buying houses in tax sale anymore, because we're buying it through the land bank and working with them to put them in neighborhoods that want to have the Habitat houses. It's working out very well. I think we'll be transferring a bunch of property to them here in the near future, and there's some other announcements that we're working with Habitat on. Again, the before, as you know, or travel through some of the neighborhoods you'll see some of this. Then, of course, the after. Again, the before, and the after. This one is, interestingly you'll see a little sign over there, on the right one, that says World Changers. We've been blessed to have World Changers, which is an evangelical organization where teenagers pay to come to Evansville to basically, for one week to work on houses. Just like, as you know, you've heard about going to Birmingham, Alabama or someplace, or wherever, or overseas to do that, actually, we have about 300 people, kids who come for one week during the summer, usually I think it's August to do this. They do about 25 houses. Again, this particular house that they did, again, it was all exterior, but it sure makes a difference. If you look at the before, go back a few more. This is the house before. The house after. Obviously, that's going to have a very different impact on the community and the neighborhood itself and how people perceive their neighborhood. Are there any more slides? That's it? I think overall, again, what we've tried to do is, through the Front Door Pride program, through the tax sale acquisitions, is to, again, filter out the bad, and then to convert those into productive properties. I could go on for a long time, but I'll stop. If there's any questions, I'll be more than happy to answer them.

President Musgrave: Phil, would you turn the lights on please? I don't have a question, but I'm often asked by people who think that the city owns these properties, what role is there for the county? For I've mentioned that the county has worked closely with your office, the Commissioners and the Auditor to transfer these properties to you. So, I just want to briefly outline that when people fail to pay their property taxes, and their tax becomes delinquent, after three bills have become delinquent, then it goes up on tax sale. Taxes are assessed and collected by the county, and then the county becomes, they used to become the owner of the property, now we just hold the right to sell the property. So, that's why the County Commissioners are in the position to be working with the city to be turning those properties over to your not-for-profit or the other entities that you may choose to take those properties from us. So, I did just want to educate that the county and the city have to work very closely to make this happen, and that we're pleased to. I live in this area, and I've witnessed over 25 years the flight of capital from the inner city. There's only been, I believe, one new house in our whole area, and that might be from 41 all the way to the river, that was not a Habitat house. So, the only new construction that's being done there is by not-for-profit. So, I have great hopes for this project of yours that it will redefine people's attitudes for their own neighborhood, give people from outside the neighborhood a fresh look at it. But, I did want to ask, how's that trash and debris ordinance coming?

Greg LaMar: We're making some final revisions to it at the next Council meeting. There was some legal issues that we had to get all resolved, and that, the lawyers tell me that it's all resolved, and, hopefully, we'll be on our way.

President Musgrave: Okay, I would like our attorney to review that ordinance, because they're going to adopt it for the city, and we may need to adopt it for the county as well.

Greg LaMar: I'll get with you.

Ted C. Ziemer, Jr.: Okay, good.

Greg LaMar: One point I should point out here is, although a lot of programs are designed for low and moderate income, and by low and moderate income we're not saying poor folks. A moderate income family of four, if they make \$46,000 is considered a moderate income individual or a family. So, you can still make a lot of money and still be considered moderate income and eligible for the programs. For those who are not eligible for our programs by virtue of income, we have, through the Housing Trust Fund set up a special program where we will contribute up to \$5,000 for a down payment and closing cost assistance for non-low to moderate individuals and households to buy property within certain parts of Pigeon Township, if they make that property their residence, primary residence, for five years.

President Musgrave: What's the number that people can call?

Greg LaMar: 436-7823.

President Musgrave: Okay.

Commissioner Nix: I just had one question, when you approach these people about improving homes and that, you've got a way of showing them that a certain amount of money will bring, make their investment worth that much more? I mean, you've got a way of equating that somehow or another?

Greg LaMar: We've tried to explain that to them, that there's....I mean, one of our problems right now is that, obviously, the market has been going down, and what we've got to do is, basically, stabilize it first, before we can turn it around, honestly. The stabilization is really through a lot of the exterior and the clean up programs. What we hope then is to start turning it around is through the new construction. Hopefully, the investments we make in the non-low mod individuals, who are also eligible for some of our programs, but it does take time. Of course, the first question out of everybody's mouth is are taxes going to go up? The answer is, yes. I mean, even if we didn't do anything, the taxes are going to go up. I mean, that's the reality of life. The question is one of wealth building. Again, you can have a property worth \$25,000, and if you put \$25,000 in to it, it now may be worth \$40,000. Again, it may not be a one for one, but it's worth more than it used to be. Again, over the long term, if as a community, as a neighborhood, with our programs we can spur additional investment, I think that will be a very important element. One of the, because one of the big problems is not that there's a disinvestment in the neighborhoods that we're talking about, it's that there's no investment in the neighborhoods.

President Musgrave: That's right.

Greg LaMar: There's no investment. So, when you have a decision to make, I can put \$5,000 into my house for a new roof, and what value will that add? Well, it may not add a lot of value. If we can help make that decision of putting a new roof on a house less cumbersome, that is by actually doing some grants, hopefully, they'll put the roof on the house, then you're starting to see the investments made. Yes, they are subsidized, but there are investments being made, and, hopefully, those will start turning the neighborhoods around.

Commissioner Shetler: You had mentioned that there was, that you're utilizing some faith based groups that come in once a year. Have we tried using local? That might be something—

Greg LaMar: Yes.

Commissioner Shetler: —on a more durable basis.

Greg LaMar: There are a number of groups out there that have indicated that they would like to work with neighborhoods, work with individuals, and we're putting together a program, a faith based effort to, in fact, do that. To not only do like clean up, which is one of the things that people do, but also to do like the paint and just some of the general exterior. In fact, we are also looking at, working through the faith based community, to do credit counseling, budget management, monitoring through the faith based community, as well, on a long term basis to help individuals who not only become homeowners, but who are homeowners and need help to get their credit straightened out, because that's a biggie. There's a lot of, we're all filing our taxes here, or have filed our federal taxes, and what we've found was that there's about 2,000 families who are eligible for what's called the Earned Income Tax Credit, which is a special on the EZ, the 440, or 1040EZ form that if you make less than basically \$25,000 gross, you can get up to \$1,500 back. Right now we're leaving, in the community, by people not knowing how to fill out, not knowing to do it, they are eligible, there's nothing illegal about it, they are eligible, on an average of \$1,200 per family for 2,000 families.

President Musgrave: Wow!

Greg LaMar: That's going to be another big effort that we're going to really take on this coming year and the next year, so that we get the word out that you can, by doing, just filling out the right form, you can get some money back.

President Musgrave: Greg, there is a program, defined by statute, for tax abatement for renovating single family or multi-family homes. Are you connecting people with their township assessors to get that?

Greg LaMar: Yes. Again, when we've done that we've explained the various programs, one of the questions, of course, is now under the new system, everybody's kind of used to the old system where you had to do certain things. Where as now it can actually talk about the money that you put into it, which will actually have, you can get a deduction on. But, yes, we are working with people who do that.

President Musgrave: Okay. Well, thank you very much for the presentation.

Greg LaMar: Thank you for having us.

President Musgrave: Look forward to working with you in the future.

2006-2007 Centre Broadway Series Announcement
--

President Musgrave: Now we have SMG, John Bolton, to make an announcement regarding the Centre. As you know, the Centre is operated by the Commissioners, and we contract with SMG to manage that for us.

John Bolton: Thank you for allowing me to come today and announce the Broadway series to you and also your viewers out there. We are very pleased to announce two anchor shows in our series this year. One being *The Producers*, and the other being *Mamma Mia*. *Producers* is the most award winning Tony musical ever in the history of Broadway, and that will be coming her next year for our series in October. Also *Mamma Mia* which is one of the most popular Broadway musicals currently on Broadway right now, and that will be coming in February of '07. We have four other shows; *I Can't Stop Loving You*, which is the story of Ray Charles on December 1st; *Urban Cowboy* in January; and *Jesus Christ Superstar* starring Ted Neeley in April. Those series subscriptions are on sale now. We would love to have you stop by the Centre, or you can call our number at 435-5770. The four show series starts at \$79 and goes up from there. So, certainly affordable for Broadway shows. Some other things happening at the Centre, quite busy in the theater there. Tomorrow night James Farley will be the speaker on the University of Evansville global speaker series. He's a Toyota executive. Friday night is Kenny Rogers, and this will be a live concert taping for a DVD that he's going to release of all of his hits. Next Wednesday is James Taylor, followed by Saturday, blues legend, B.B. King, followed by Monday, April 17th, David Copperfield for two performances. Later in the month a performance by Rockapella, which is a fundraiser for Red Cross. In May, *Cinderella* by the Children's Center for Dance Education. Then in June we have two music legends, one being country, George Jones, and the other being pop, Sheryl Crow. Then we finish up in July, this summer, with the summer musical by the Evansville-Vanderburgh School Corporation of *West Side Story*. So, certainly a lot of events to choose from, and we encourage everyone to come out and purchase tickets and support these events, so that we can continue to have more.

President Musgrave: Thank you very much.

John Bolton: Thank you.

Commissioner Nix: Thanks.

President Musgrave: Any questions?

John Bolton: Appreciate it.

Permission to Award: VC-07-2006: Burdette Park T-Shirts
--

President Musgrave: Purchasing, Mr. Lawrence, permission to award VC-07-2006, Burdette Park t-shirts.

Phil Lawrence: Madam Chairman, thank you. You have in your packets the bid tabulation for 2006. It's a three tiered bid; Chips for \$1,965, Phoenix of Evansville for \$1,008.95, and Southwest Grafix for \$402.60.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: I was just curious, is there a reason why there was such a big spread there?

Phil Lawrence: No, it's, we all took a look. It was the lowest bidder in each section.

Commissioner Nix: Okay.

Phil Lawrence: So, yeah, it's—

Commissioner Nix: It is what it is, huh?

Phil Lawrence: It is what it is.

Commissioner Nix: There you go.

Phil Lawrence: I mean, you look at Chips' bid of \$2.50 for a shirt, Phoenix was \$2.51, Southwest Grafix was \$2.55, and Siegel's was \$3.50. So, everybody was right on the mark, but in all cases we chose the lowest bidder.

President Musgrave: Okay.

Permission to Seek Quotes: VC-05-2006: Moving of Election Equipment
--

President Musgrave: Permission to seek quotes for VC-05-2006, moving of election equipment.

Phil Lawrence: Yes, I would like your permission, this is for all of the voting machines for the primary election. We will open the bids here April 18th at 3:30.

President Musgrave: Okay.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Phil Lawrence: Thank you.

**Homeland Security Sub-Grant Agreement (\$44,190.74):
Weapons of Mass Destruction/Hazardous Materials Exercise Grant**

Emergency Preparedness Grant Program (\$56,855.07)

Memorandum of Understanding: Hoosier SAFE-T Program

President Musgrave: Contracts, agreements and leases, Homeland Security grant program sub-grant agreement. Mr. Greer, are you here to address this?

Sherman Greer: We have about three grants before you to be signed. One memorandum of understanding, and I also have an application, grant application signature page that must be signed by the President of the County Commissioners.

President Musgrave: Do you want to go over what each of them is?

Sherman Greer: The first, well, we have the weapons of mass destruction, hazardous materials exercise grant for \$44,190.74. That is reimbursement for overtime for the law enforcement agencies, the fire departments, all the agencies that were involved in that exercise that we had September the 23rd and 24th. We also have the—

Ted C. Ziemer, Jr.: Excuse me.

Sherman Greer: Yes.

Ted C. Ziemer, Jr.: If I may ask you, I noticed in the language of the grant it says that the grant amount is \$44,190.74. Then it says from fiscal year 2003. What does that mean? Do you know?

Sherman Greer: I have no idea, Mr. Ziemer.

Ted C. Ziemer, Jr.: But, it is a reimbursement amount we're getting, is that correct?

Sherman Greer: It's a reimbursement grant, yes, sir.

Ted C. Ziemer, Jr.: Okay, thank you.

Commissioner Nix: Could that be a typo?

Ted C. Ziemer, Jr.: Well, it's not for fiscal year 2003, because—

Sherman Greer: I have no idea.

Ted C. Ziemer, Jr.: As long as it's reimbursement for expenses, we're satisfied.

Sherman Greer: We're happy with that, yes.

President Musgrave: If you can hold on while we change the tape.

(Tape change)

President Musgrave: Go ahead.

Sherman Greer: The second one that we have is the 2005 Emergency Preparedness grant program. That is the 50 percent of my staff, the three employees that we have for Emergency Management, that the state picks up every year. That's \$56,855.07. The next one is an MOU, memorandum of understanding, this is the agreement that we have with the State of Indiana on the use of their towers and equipment that they've provided for us. They've provided 54 radios for Evansville-Vanderburgh County for the new Hoosier SAFE-T communications system that they've got. I think that Mr. Dave Vice was here to give you a presentation on that earlier, a couple of months ago.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: Commissioners, those are in the order that Sherman mentioned them, they are items little i, little three i, and little iv on your agenda.

President Musgrave: If there's a motion to approve those?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. Is that it?

Sherman Greer: Unless you want an update on the '05 grant.

President Musgrave: Yes, please.

Sherman Greer: Update on 2005 Emergency Preparedness Grant

Sherman Greer: Right now the '05 grant that we're just now entering in, we just got the paperwork and everything for that, for the approval. Our task force has had two meetings on that. We've got some items that we're in the process of getting approved by the state so that we can make the purchases. That grant was for \$527,507. \$332,588 of that is from the Homeland Security side. \$194,919 is for the law enforcement side. But, we're all meeting together to figure out how we're going to best spend that money. We've got some items that are right now being approved by the, we hope it's going to be approved by the field rep so that we can send that in to the state. We have 60 days to complete this grant. They've put that on us that we have to make sure that this is done in that 60 day time period. I think we're out ahead of the curve already, because we're just now getting the paperwork signed to get it back up there to them. So, we should have, we shouldn't have any problems at all in making the 60 days.

President Musgrave: Okay, thank you very much.

Sherman Greer: You're welcome.

Request to Release Funds Agreement: Knight Township Fire Department

President Musgrave: Now, we have County Commissioners request to release funds agreement. Mr. Ziemer, do you have information on this?

Ted C. Ziemer, Jr.: Yes, this is in connection with the Knight Township Volunteer Fire Department and the \$500,000 grant from the State of Indiana. To be able to have the funds released we needed to provide assurance to the state that we met all environmental impact requirements, and 90 percent of this document sets forth correspondence with various agencies that do indicate that we meet those requirements. Then there are two pages in the document that require the signature, if this is approved by the Commissioners, require the signature of the President of the Commissioners, to authorize the release of funds effective as of April 10, 2006.

President Musgrave: I'm pleased to say that we had the groundbreaking today for the Knight Township Fire Department. That will be built next to the mobile home park, on land donated by the mobile home park owners, the Whitehead family. The Lieutenant Governor came down and spoke, as did a number of other dignitaries, so this, I understand that they're going to start construction soon, perhaps June, I think, and it is expected to be complete by the end of the year. I'm really looking forward to that. Is there a motion to request release of the funds?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Health Department: Albin-Barr Cleaning Service Agreement
(WIC-Fulton Clinic)**

President Musgrave: We move now to five, Health Department, Albin-Barr Cleaning Service contract.

Ted C. Ziemer, Jr.: That is simply a contract between the Commissioners on behalf of the Health Department for cleaning services for the WIC program at the Fulton Clinic. The charges on the contract are \$129 a month for all cleaning services, supplies, and so forth for those services. We find it satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Superior Court: ICJI Byrne Grant Agreement

President Musgrave: Six, Superior Court ICJI Byrne grant agreement.

Ted C. Ziemer, Jr.: This agreement is for a grant of \$95,393 to the Superior Court in connection with the Byrne program. The agreement provides that it covers services listed on exhibits A, B, C, D and E. My copy of the agreement, nor did the Commissioners copy have A, B, C, D or E attached. So, I don't know what services are to be provided for these grant funds. But, subject to that caveat, the agreement is satisfactory for execution.

Commissioner Nix: Do we want to table that until we can—

President Musgrave: Yes.

Commissioner Nix: —yeah, I think that would be a wise thing to do.

Ted C. Ziemer, Jr.: Is it, I don't know, is anybody here that could speak to this? It would be somebody from Superior Court. I don't know whether it's time sensitive or not. There's nothing in the document that indicates that it is. Well, excuse me, let me see, no, no, I don't see anything that makes this time sensitive.

President Musgrave: Is that a motion?

Commissioner Nix: That's a motion.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: If you could contact the Superior Court and get a copy of that.

Commissioner Nix: Let me just say something to that. I had signed that about, probably about a week and a half ago to get it sent off. It had to be presented the next day, and they overnighted it. So, I had gotten it to that point, and then I think we just need to clarify what exactly it covers.

Ted C. Ziemer, Jr.: Then have it ratified, yes.

President Musgrave: Okay, that's fine.

Superior Court: Agreement for Professional Services: Michael Collins

President Musgrave: And also for the Superior Court, Home Verification Officer agreement for professional services.

Ted C. Ziemer, Jr.: That's an agreement for Vanderburgh County Day Reporting Drug Court. It's for the services of Michael Collins, who is a deputy Sheriff, who will provide home verification visits for the Day Reporting Drug program. He will receive, as an independent contractor, he will receive compensation of \$1,545 per month, on

a bi-weekly basis. The agreement is for one year, running from April 1, 2006 through April 1, 2007. It's satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Looking over our agenda today, and reviewing the report that the city gave us, there's a tremendous amount of federal grant money flowing through to local government, and we're pleased to have it, it's just that we can always use more.

**Building Authority: Permission to Pursue Design Services:
Demolition of Old Jail Space**

President Musgrave: Building Authority, Mr. Dave Rector, letter to pursue design services for demolition of the old jail space.

Dave Rector: Good afternoon. Dave Rector, Building Authority. As you're well aware, the old jail has moved. Commissioner Nix and I have been working on the next steps with that. With that, we've requested some scope of services from engineering/architectural firms to, one, provide a specification for demolition of the old jail and to prepare it for build-outs. The other to prepare the multitude of preliminary plans that we're going to have that may develop as to how we use that space. My board last week had voted to award that to a combination of American Consulting and Veazey Parrott Durkin and Shoulders, to be paid from our joint agreement checking account from the defeased bond surplus money. One being not to exceed \$43,500, and the other not to exceed \$56,400. Because it's the joint account, it requires both of our boards approval. I'm requesting your approval to go ahead and pursue those.

Commissioner Nix: I guess, just for the record, could you just give us a summary of each one of the two not to exceed prices? What they intend to do.

Dave Rector: Yes, the not to exceed \$43,500 is for the demolition scope of work. To, I guess, gut the place, tear it down, disconnect all the utilities, piping, electrical, H, I would say HVAC, but there's no AC—

Commissioner Nix: Or lack of it.

Dave Rector: —yeah, and the other is to work with everybody, take the old surveys, starting in at say here's how this space can be used, here's how, this person's going to fit here, here's how this group's going to move there, what's going to happen when areas in this building move to other areas. So, they're two separate services and two different specifications that we'll get.

Commissioner Nix: I think it should be clear that this doesn't really get us to a complete build out of all the spaces.

Dave Rector: Absolutely not.

Commissioner Nix: This is, basically, one the demolition, like you say, and the other is just getting us to the point where we can put this back.

Dave Rector: Hopefully, who knows if we're going to do three preliminary layouts or 20 preliminary. But, once we get there, then we'll do a design package for bidding purposes on that final build out. I think the thought is we could probably get better prices in a bid for building out, than trying to demo and build out. Hopefully, too we'll get some after market value on some of the old jail stuff, being the doors, the toilets, some of the bars. The price of scrap steel is up really high right now too. So, that may help some with the project.

President Musgrave: So, is this the time then that anyone in the government agencies that occupy this building or at scattered sites, is this the time for them to come forward and say I would like that space?

Dave Rector: Many already have. As you're aware, a survey was done to the (Inaudible), and there's an idea of how we use that space. Yes, if they have some requests and needs, they need to start funneling those our way.

President Musgrave: Alright, how are we going to manage that? Do we want you to be the primary recipient and send a copy to us? Is there a form that you have?

Dave Rector: We had a survey that we distributed two years ago now, three years ago. There's been administration changes since then, if those folks want to look at what a prior administration had already submitted, we can give them new copies. We can be the source for distributing those and disseminating it. Obviously, we're going to be working with the Commissioners and the Mayor as we move through this whole cumbersome process. We're going to have county offices asking to move into county space, we're going to have city offices asking to move into county space. The Commissioners are going to have to say, yeah, we agree for the city to go. The city is going to say, well, we don't want to go, it's going to cost too much. This is going to be a whole cooperative effort that everybody is really going to have to work closely together on.

President Musgrave: Well, one thing that I would like to request is that you deal with the elected official, and not their staff. That their staff should work through the elected official, through the department heads if it's the Mayor. If it's a board that has, that meets for example in one of the rooms here and has a request, then I would ask that the board vote on it before a request is brought forward. I would like to have a running rendition of who's asking for what. Don't just save it up and spring it on me at one time.

Dave Rector: Yeah, I'll just give you a recap as we move through it.

Commissioner Nix: Mr. Rector and I have had quite a few meetings, and kind of walked through some of the different scenarios, and a lot of it really make sense, you know, the stuff that we've looked at recently. Of course, we're going to have a lot of space in the old jail when we get that all—

President Musgrave: Theoretically.

Commissioner Nix: –well, theoretically. I'm sure that space will go in a hurry, once it's available. But, there are some things that we can do economically within the existing space and new space to make this all work. I'm comfortable, we just need to move forward with it.

Dave Rector: Probably one of the more interesting things is, as we've talked, the referendum for consolidation and how that works.

Commissioner Shetler: That's right.

Dave Rector: If we have this proposed new Council, it's not going to work in here. Then are we going to have a whole new high tech Council chambers in a new area?

President Musgrave: I think we need one of those anyway. So, maybe I should just make that motion now.

Dave Rector: It's going to be frustrating, but it's going to be kind of fun too. It's the first time we've all had this opportunity in 35 years.

Commissioner Shetler: Dave, I was about to bring up that point about the possibility of the consolidation, and, you know, that this would be one room that would have to be completely redone–

Dave Rector: Yes.

Commissioner Shetler: –to accommodate 15 people, or whatever they're talking about. The other thing I might just suggest for today, we had, a while ago lined up here two different projectors, and some days it's two and three from different departments. I mean, personally, I feel like rather than every department running out and buying their own projectors and setting up their own gizmos and re-establishing everything, it would be wise and prudent for us to look at some kind of a deal here where it's all centrally used and everybody just plugs in their laptop one after another, and it would be a lot quicker, easier, and much easier to maintain, I believe.

Dave Rector: Absolutely.

Commissioner Shetler: So, just a suggestion for today, that we might do immediately and not wait.

Dave Rector: I think we could look at that technology where they come in much like, I think Area Plan Commission kind of uses to project their GIS on the screen.

Commissioner Shetler: Right.

Dave Rector: I'll go ahead and look into that.

Commissioner Shetler: Right now, like I said, now everybody's using their own.

Dave Rector: I know we've been frustrated with some of the sound system in here, and we're also looking at what can we do with that?

President Musgrave: Be sure and touch base with Matt Arvay, the CIO. He has already priced out, several times, the joint projector.

Dave Rector: Oh, okay.

President Musgrave: And it's costly. \$40,000 plus.

Commissioner Nix: Yeah, they're not cheap, I know that.

President Musgrave: But, it's the sort of thing that would be reused if we moved to another room.

Commissioner Nix: You touched on a minute ago, and I think it's important that however this ends up, whether the unification, government unification/consolidation whatever you want to call it, if it does in fact happen, that the things we do outside this space are well thought out enough to where we're not going to have to come back and spend a whole lot more money again in different departments and that. I think we just need to make sure that we look at that at the same time.

President Musgrave: Alright, so you are going to pursue design services for the demolition and then for crafting various alternatives for use of the new space?

Dave Rector: Yes.

President Musgrave: So, I'm sure this word will spread around the government like wildfire, but now is the time, and they should work with you and copy us on those requests. Is there a motion for that?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Madelyn Grayson: Commissioner Musgrave?

President Musgrave: Yes, Ma'am?

Madelyn Grayson: The documents that your board approved, where are those housed? Because there is not anything here for the Commissioners to sign. If someone wants to review them, they normally would come to us.

Commissioner Nix: She's a step ahead of me there.

Madelyn Grayson: So, they should go to the Building Authority?

Dave Rector: We just got them in the mail.

Madelyn Grayson: Was that something they need to sign? Or your board signs it?

Dave Rector: Our board.

Madelyn Grayson: Okay.

President Musgrave: Then we're granting our—

Dave Rector: Normally, the Building Authority handles all of this, it goes through our books, does it, and then as the project moves it reimbursed on that. Because this was a fairly good sum of money, instead of the Building Authority carrying all that money on our books for the next year or two years, we have this joint account, so we requested that we share this one.

President Musgrave: I want you to make clear to anybody who comes forward asking you for space, that there is no money in place, right now, to actually build out the space. There is no time table right now for getting moved in to any space. Everybody is free to dream, but not to plan.

Dave Rector: Exactly. So, don't start packing your boxes yet.

President Musgrave: No.

City of Evansville: Request for Use of Unoccupied Sheriff Dept. Space

President Musgrave: Alright, the City of Evansville letter requesting use of unoccupied Sheriff Department space. That's not you?

Dave Rector: Do you want me to stay up here for that?

President Musgrave: Is there somebody from the city here?

Dave Rector: Chief Hill is here.

President Musgrave: Chief Hill.

Dave Rector: I think. Commissioner Nix, did you copy the other Commissioners on the Chief's letter to me and the Mayor's letter to me?

Commissioner Nix: Yes, I did.

Dave Rector: Okay.

Commissioner Nix: You all got that, didn't you?

President Musgrave: I got it.

Commissioner Nix: I sent it yesterday.

President Musgrave: Okay.

Brad Hill: Brad Hill, Chief of Police.

Commissioner Nix: Good afternoon.

Brad Hill: How are you? We were wanting to move offices into the space that's being vacated by the Sheriff's Department. We, as you may or may not know have our personnel and training office up here on the third floor of the administration building. We would like to consolidate the department all together. It makes a certain amount of sense for us to be on that end of the building, where the rest of our offices are. There's some security issues there. I think, it makes a certain amount

of sense for us to be there also by the fact that the prisoners are being transported there, busloads of them on a daily basis back and forth in that area where those offices are, and walked up to go to court each day. We also bring prisoners to and from the Police Department, and it makes more sense to me for that to all be law enforcement on that end of the building, and law enforcement parking on that end of the building, because of the fact that we are dealing with suspects and prisoners in that area. So, that's why we're proposing to move those offices there. We are looking at the possibility of moving our administration offices over to the Sheriff's Departments administration office, and probably move personnel and training to where our administrative offices are right now.

Commissioner Nix: Is Mr. Rector still here?

Dave Rector: Yeah.

Commissioner Nix: We had talked about square footage and space and that, and this would be, basically, if they would move out of the second floor—

Brad Hill: Third floor.

Commissioner Nix: —excuse me, third floor, down at the end, the training, that's a training area for you all? That would be a net add of about 500 square feet, is that what we came up with?

Dave Rector: 556.

Commissioner Nix: 556, okay.

Dave Rector: 556 moving to the city, and then if this is allowed, that space would then be used for the expansion, we're thinking of DMD. They are quite cramped.

Commissioner Nix: Which is adjacent to this space now. So, that would make sense to, if they did, in fact, need more room, that...how many square feet do we have in that space upstairs?

Dave Rector: 1,900, I think it's 1,968 upstairs here, and the space that they are going into is a little over 2,500. So, that's 556 net. Training is 1,968 square feet. The Sheriff's space is 2,524.

President Musgrave: Is there money budgeted by the city to pay the increased?

Brad Hill: Yes, there is.

President Musgrave: Okay, and, now, are you aware that there was a prior plan to move another office into part of that space down there?

Brad Hill: I had heard some rumors of that. I personally don't think that's a good idea to move other civilians in that area. Just for what I've said already. As Dave said, we're not increasing our kingdom too much. We're just kind of consolidating it a little bit.

President Musgrave: Because there has been that other move, and it allowed the computer services to consolidate, if you did that. Consolidating computer, consolidating police—

Brad Hill: I would vote for police.

President Musgrave: This other office though—

Commissioner Nix: Do what, Chief?

Brad Hill: I would vote to consolidate police on that.

Commissioner Nix: You would.

President Musgrave: I would request that we review this for at least a week to try to come to some terms of what we will do, since this throws a wrench into the computer plans that were in place.

Commissioner Nix: Could we look at that as another location for...that was Solid Waste is what we were talking about.

Dave Rector: That's in the mix of things that we've looked at before. They do need to move for the expansion of computer services that are cramped. We've looked at other possibilities for them. We could go back and revisit that, look at it. I understand Chief's desire to have the space to himself, but after listening to him and Assistant Chief Hahn and what goes on in the Police Department, I think we need to try to find another space for Solid Waste. It's probably not a good mix for them down there.

President Musgrave: They need to be by the loading dock. That was the attractiveness of that other space. It's by a loading dock. There's only a couple of other places. Are you going to turn over the smoking room?

Dave Rector: Well, according to what may happen here in the next couple of week's, that's (Inaudible).

President Musgrave: Well, the more things change.

Commissioner Nix: Mr. Rector, stick around.

President Musgrave: Yeah, you might want to stay. Okay, alright, so, we have a couple of things to discuss, and I would like to table this while we do work that out in the background. Commissioner Nix, do you want to take the lead on that? What are your thoughts?

Commissioner Nix: I'll do it.

President Musgrave: Okay.

Dave Rector: I'll get with you then, Bill.

Commissioner Nix: Thank you.

President Musgrave: Do we need a motion to table it?

Commissioner Nix: I'll make that motion.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We'll work on it.

Commissioner Nix: Thank you very much.

Dave Rector: Thank you.

Update of June Event at Centre: Parking Issues

Dave Rector: Could I take one more moment to apprise the Commissioners of what you and I talked about earlier? There is an event going on at the Centre, early June, I think June 7th or 8th I told you, where there is a helicopter show, for lack of better terms. They've rented the whole Centre, many, I think 1,000 hotel rooms. A big event, but it's going to entail me having to reserve part of the parking lot to set some helicopters down in. Anytime we do anything with parking that reduces the availability during the day, we hear of it quite loudly from folks. I just wanted to let you know that we're going to have to do that, and probably you'll hear some of the complaints too. I don't know that we have a solution. A helicopter can't go too many places. I am going to talk to the Safety Board and see if maybe we can do it in the street, instead of the parking lot. But, I wanted you guys to be aware that that's coming in early June.

Commissioner Nix: The area that you're talking about is basically just up against the back 40, along Ninth?

Dave Rector: Obviously, with the show going on in the exhibit hall, they want to have the helicopters directly across Ninth Street in that immediate part of the parking lot, instead of way in the back where nobody parks.

Commissioner Shetler: How many days would be affected?

Dave Rector: Just one day.

Commissioner Shetler: Oh.

President Musgrave: Are you considering closing off Ninth?

Dave Rector: I'm going to address that with the Safety Board to see if that might be an alternative to the parking lot.

President Musgrave: I think that would be nice.

Commissioner Nix: Then they would land on Ninth instead of the parking lot?

Dave Rector: Yes.

President Musgrave: Okay.

Dave Rector: So, I just wanted you to be aware of it. Thank you.

President Musgrave: Thank you.

Burdette Park

President Musgrave: Department heads, Mr. Craig, Burdette Park, permission to receive quotes on parking lot development and landscaping.

Steve Craig: Steve Craig, Manager of Burdette. I was seeking permission to pursue quotes for the parking lot renovation and landscaping.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Commissioners, if we could, while Mr. Craig is here. There was only one bid for the spray park, and I've opened that, and it's from ECI Construction for \$73,990.

President Musgrave: Is there a motion to take under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Steve, are you going to take this?

President Musgrave: Are you going to review the bid?

Steve Craig: I would like to review it, then I'll return it to, I guess, Madelyn.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: Yeah, maybe let Phil have a look at it as well, Steve, after. I mean, you'll be looking at it from the point of view of substance, and he'll look at it from the point of view of bid qualification.

Steve Craig: Thank you.

County Engineer

President Musgrave: Mr. Stoll, County Engineer. If you would like to go, Mr. Ziemer, over the quotes after he gets done with his report.

John Stoll: The first item that I have is a cover sheet for the Old State Road bridge plans. This is for the bridge rehab. It's between Mt. Pleasant Road and Hillsdale Road. Bernardin Lochmueller and Associates is doing the design, and I have the Mylar cover sheet with the plans that needs the Commissioners signatures.

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.

John Stoll: Next, I've got an inspection report that Bernardin Lochmueller submitted for the Kuebler Road bridge. This is bridge number 1160. They were hired to do an evaluation of the bridge and determine what needed to be done in conjunction with the rehab. I e-mailed each of you a copy of their inspection report that indicated it needed a new concrete deck and that it needed the wingwalls on all four corners of the bridge extended, and it needed additional guardrail installed on three of the four corners. I would like your approval to sign off on that inspection report that would allow them to proceed with the design of all those features they identified.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a change order on the concrete repair contract from last year. This is for an increase of \$400, and in going through the invoices we found that the sidewalk repair that was added to the contract on Lincoln Pointe Boulevard was not included in a prior change order. So, this just needs to be added to reconcile the balance as far as what the contractor has billed us.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a street plan approval request for The Glens Subdivision. This is located near the northeast corner of Oak Hill Road and Lynch Road. This subdivision is the one where the developer is providing right-of-way stubs to the north that would lead up to Elmridge Drive and to the east over to Congress. They extend the roads as far as they can within the limits of the areas that they need to fill. They do stub driveways out to the property lines, so that way the county could come back at a later date and potentially connect those roads up. We've reviewed the plans. The designer has made the changes that we had requested. So, I would request approval of the subdivision street plans.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, on that same subdivision, the engineer has requested a sidewalk waiver. I would recommend approval of the sidewalk waiver.

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 that I have is a brief update on the Green River Road-Millersburg Road intersection project. Commissioner Shetler and I met with Clark Dietz, who's the designer of the project, we met a couple of weeks ago to go over where we need to go with the project. The, one of the comments that was received during the public hearing back in December was redesign the project, provide curb and gutter and storm sewers, as opposed to the shoulder and open ditch design that currently exists. That was evaluated, and depending on what right-of-way figures you want to assume, as far as how much right-of-way savings there would be versus the increased construction costs, the overall increase in costs by going with the curb and gutter and storm sewer design would add something in the neighborhood of a quarter million dollars to the project. It would also lead to another 12 month or so delay in getting the design revised and resubmitted to INDOT. As a result of all that, Commissioner Shetler and I, when we met with Clark Dietz, told them to proceed with the design as it currently exists with the shoulders and open ditches. On that basis the consultant is going to go ahead and wrap up their public hearing transcript and the comments received at the public hearing and submit that to INDOT, which in turn would allow us to proceed with right-of-way acquisition here soon. In

conjunction with that, once INDOT approves all the public hearing documentation, our next step will be that we will need a supplemental agreement to deal with the right-of-way engineering and right-of-way acquisition services. So, I'll bring that to you at a later date. I just wanted to give you an update on the discussion that we had with the consultant.

Commissioner Shetler: In addition to that, John, correct me if I'm wrong, but, also the savings of actual right-of-way or property that we would need for the right-of-way would have been very insignificant to most of those property owners. It would have created a great deal of hardship, particularly as we look at four laning the rest of, from Millersburg on back to Lynch Road and then transitioning that beyond a bit, that would have created some difficulties and caused us perhaps to go back and get that property again.

John Stoll: Right.

Commissioner Shetler: So, there was, you know, a great deal of complication here that it was really beyond the point of trying to go back and recreate.

John Stoll: The estimates were that it would save about five feet, give or take, on right-of-way on each side of the road, depending on where you were along the project. Like Commissioner Shetler said, long term we know Green River is going to be widened on out to Boonville-New Harmony or 57, who knows to what point. If we acquire the right-of-way now, then it would be available for the future widening later. In the future, to be consistent with what we're looking at for everything up to Millersburg, it will be a curb and gutter design later. So, the right-of-way we're acquiring now could be reused at a later date, and, hopefully, we won't have to go back to those property owners a second time at a later date.

President Musgrave: Okay. You don't require a vote on that?

John Stoll: No, that was just an update. That's all I have.

President Musgrave: Would you like to read off the quotes?

Ted C. Ziemer, Jr.: Yes, for the record, let me say that as I'm going to be reading these, Green River Phase One is Lynch Road to Hirsch, Green River Phase Two is Hirsch to Heckel, Green River Phase Three is Heckel to Millersburg. I'm going to read the contractors, and I'm going to indicate the various phases that they bid on. The other two are Baseline bridge and Cross Pointe Boulevard. Bernardin Lochmueller has submitted a, responded to the request for proposal for all five projects. Morley and Associates has responded for Cross Pointe Boulevard. The Corradino Group has responded for Green River Phases One, Two and Three, and Cross Pointe. Clark Dietz has responded for Green River Phase Three and Cross Pointe. Beam Longest and Neff has responded for all five projects. R.W. Armstrong's proposal was received at 3:42, the deadline was 3:30. We consider that a late submission, and it's not been opened. American Consulting, Inc. has responded as to all five projects. RQAW Corporation responded as to Green River Phase One and Three and Baseline bridge and Cross Pointe Boulevard. M.D. Wessler and Associates responded for all five projects. Level Five Engineering responded for only Baseline bridge. Commonwealth Engineers responded for Green River Phase Three, and Cross Pointe Boulevard. Q.K. Four has responded for Green River Phases Two and Three, and Baseline bridge and Cross Pointe Boulevard. DLZ has responded only for Green River Phase Two.

President Musgrave: You have quite a bit of reading in front of you.

John Stoll: I'm looking forward to it.

President Musgrave: Is there a motion to take these under advisement?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Mr. Duckworth?

Commissioner Nix: Before we go on, I was wondering how much time you need to look at all that? Do you have an idea?

Commissioner Shetler: Special meeting tomorrow?

Commissioner Nix: No, please no. Just before Mr. Duckworth comes up, I mean, we typically come back a week later and award or do that. Do you have an idea? Not to push you on this at all, I mean, there's quite a few projects and we want to take a hard look at all of these before we do anything.

John Stoll: With the potential for the bonds being issued for the TIF district by early to mid May, I think we've got a little more time to take a look at all the Green River Road projects and the Cross Pointe project. The Baseline project if we want to have any opportunity to get that to construction this year, that's the one we'll have to move on the fastest. So, I'll just have to get with you to find out whether or not we want to proceed with hiring a consultant on the basis of the proposals, or whether or not we need to proceed to interviews of two or three. At this point, I don't know that it would be ready to make any selections any sooner than a couple of weeks from now, depending on how you all want to proceed.

Commissioner Nix: Thank you.

County Highway

President Musgrave: Mr. Duckworth?

Mike Duckworth: Good afternoon. Mike Duckworth, Superintendent of County Highway. I have two short items to go over with you this afternoon. First, I'm here to announce that the county has received the \$257,000 plus FEMA reimbursement for the cost of the debris removal at the, for the November 6th tornado. That money has been placed, as I understand it, in Sherman Greer's EMA account. I need to set up a meeting with Mr. Fluty and Sherman to see how we get that money from Sherman's account back in to the accounts that we removed it from.

President Musgrave: And that was direct deposited there by the federal government?

Mike Duckworth: That's right.

President Musgrave: Right.

Mike Duckworth: In addition to that, I did speak with someone in the Treasurer's office, and they told me that all but \$800 of the \$100,000 worth of insurance proceeds had been received. I don't know what the holdup on the last \$800 is, but I thought Mr. Ziemer might want to know that.

Ted C. Ziemer, Jr.: \$800?

Mike Duckworth: Yes.

Ted C. Ziemer, Jr.: I mean, while I was away on vacation the due date for the letter of credit came up and the amount to be paid under the letter of credit was the amount of insurance proceeds subtracted from \$100,000. So, that should be 100 percent.

Madelyn Grayson: Mr. Ziemer, we found out when we quietused all of the checks in that there was an \$850 error made on the part of the attorney that was handling that, and Kathryn Schymik is working with him on getting that settled and getting a check from Westbrook Corporation.

Ted C. Ziemer, Jr.: Okay, so they're aware of this, and we're going to get the additional check?

Madelyn Grayson: Yes.

Ted C. Ziemer, Jr.: Fine. Okay, good. Thanks.

Mike Duckworth: I wanted to let you know that. I didn't know with you being gone if you knew that, but I also brought that up because that \$100,000 along with the \$257,000 would be what would go back into our accounts to help us pay for those vendors that we used their services and to reimburse the accounts on overtime and such that we'll have to get with Mr. Fluty about. That process, he can explain to me whether we have to get an appropriation or whatever the case may be. I'll just work through that.

President Musgrave: So, you may have to go to Council to appropriate this money into the appropriate line items?

Mike Duckworth: Yes.

President Musgrave: And you may not, depending on what you work out with Mr. Fluty.

Mike Duckworth: That's right. As I understand it, there is a time period that that's considered a new appropriation that that has to be advertised.

President Musgrave: Okay.

Mike Duckworth: Well, we'll work through that process, but I did want the Commissioners to know that that money has been received, and that we'll be working through dispersing those amounts.

President Musgrave: Hold on while we change the tape.

(Tape change)

President Musgrave: I'm very pleased that this day has arrived. For as you know, Mr. Ziemer, during the tornado, the two, three weeks after the tornado, this subject of the county's clean up of the property in conjunction with the owner of Eastbrook, occupied our minds and a lot of debate for a considerable amount of time. So, I'm pleased that it worked out in the way that we had envisioned at the time. It's a real relief to have this part done, and working toward the appropriation of this money, I think, is that's fine, we can deal with that. I'm glad that the money has arrived.

Mike Duckworth: I think it enabled us not only to be first responders and to assist in victim recovery, as well as opening the roadways and then stepping back and then going through the proper channels of gaining the proper authority to be on private property, gives us a template of maybe what we may have to do in the future.

President Musgrave: Bite your tongue.

Mike Duckworth: Hopefully, we never have to do that again, of course, but, at least we have that experience, and we won't have to reinvent the wheel. The other item that I wanted to mention is, we are in the middle of a pothole blitz. I would tell you that in the first two days we have received 64 work orders, and they have all been completed.

President Musgrave: Congratulations.

Mike Duckworth: So, as we get them each day we will have crews go out and make sure that those areas are taken care of. We have some bigger areas that we are going to do. We have to use a little more of a crew to do, and we're setting those aside until we can get the right material to do it.

Commissioner Nix: And your home number is? No, what's the number to call, Mr. Duckworth?

Mike Duckworth: It's in the book. The number that folks at home would call would be 435-5777. If it's after 4:00 p.m. they can leave a message on the answering machine, we will call them back the next day and get to it as soon as we can.

President Musgrave: Now, I did see something in the newspaper that you've taken over city alleys? Is that right, Mr. Duckworth?

Mike Duckworth: I did some alley work years back when I was with the city, but we don't have any alleys in the county.

President Musgrave: I knew we didn't in the county. So, if you have an alley complaint--

Mike Duckworth: Hey, I don't have to take this here. I can listen to this at the School Board meetings.

President Musgrave: What number do they call for alley complaints?

Mike Duckworth: They would call 435-6000--

President Musgrave: Okay.

Mike Duckworth: –which is the City Garage.

President Musgrave: Alright. Thank you, sir.

Mike Duckworth: Thank you.

President Musgrave: I may come out and join you on pothole filling duty.

Mike Duckworth: Come on out. We'll get you a shovel.

Superintendent of County Buildings

President Musgrave: Ms. B.J. Farrell?

B.J. Farrell: As the Commissioners are aware, last Thursday Wolfe's Auto Auction basically got rid of some unused vehicles for us. I would like to submit these checks to the County Auditor for quietusing \$600 into the County General Fund, and \$1,845 into the County Highway Fund. Also, this Saturday we are having our county surplus sale at the Old Courthouse, and we have desks, chairs, tables, computers, file cabinets, quite a bit of unused material that we will be offering for sale from 8:00 to 12:00 at the Old Courthouse. The Building Authority did surplus over 100 items to us, with the understanding that any monies received for someone purchasing these would go to the County General. They have released any claim to that, so we will be including these as well. The halls at the Old Courthouse are full of things, and we just encourage everyone to come down and buy whatever they need. Thank you.

President Musgrave: Are you running the auction?

B.J. Farrell: Actually, last year we let each item go for the high price of five dollars each, and you hauled it off yourself, and what was left we then contacted the Salvation Army, Goodwill those organizations to see if there was anything that they could use.

President Musgrave: So, it's more like a garage sale than an auction?

B.J. Farrell: Exactly.

President Musgrave: Wonderful, and the doors open again at what time?

B.J. Farrell: 8:00.

President Musgrave: Okay.

Commissioner Nix: That's Farrell's landfill, or Farrell's Wal-Mart, right?

B.J. Farrell: That's right. And on the consent agenda today, I am asking the Commissioners for approval to appear before the County Council to request money in two line items in the Commissioners budget, Unemployment and Legal Advertising. We have already expended over 50 percent of those funds this year, and also for Utilities in my budget for the Old Courthouse, as we have also expended over 50 percent of that money already this year.

President Musgrave: Okay.

County Attorney

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: I just have one item, we received and have reviewed a resolution to be adopted by the city and the county, should you approve it, to allocate \$109,103 from the 2006 Byrne JAG program award between the city and the county. Under the proposed allocation, the county would receive \$17,118 for radio equipment to support law enforcement, and the county, excuse me, the city would receive \$91,985 for overtime through October 30, 2010. That's satisfactory for adoption. Following this, it would be presented to the City Council for adoption by the City Council.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I see that, on my list no other department heads have anything to report. Is there a department head that I've overlooked? I see none.

New Business

President Musgrave: So, we move now to new business. Smoking in the workplace discussion. Commissioner Shetler?

Commissioner Shetler: Yeah, I brought up the subject awhile back, we discussed it a little bit, and I think it's time that the county look seriously about some ordinance that would prohibit smoking in the workplace. The city is, as you know, entertaining the idea now. I think what's important is that we do something that is the same. I don't think that we want to get involved in some kind of unfair advantage where city residences and county businesses are on different playing fields. So, I've suggested, Ted, you were gone, that's what you get, I volunteered you and I to work with Mr. Bagbey and Councilman Koehler, as well as their attorney on that whole issue, try to get that resolved so that we're on the same playing field. They're agreeable to that.

Ted C. Ziemer, Jr.: I can just add to that, Commissioner Shetler, that John Hamilton, the attorney who would be doing this for the city, called me and indicated that he has reviewed similar types of ordinances from other municipalities, and would like to get together with me to review those. So, I'll see that you get copies of that, and we'll take a look at it.

Commissioner Shetler: Alright, thank you.

President Musgrave: I would like for the ordinances to be the same. I hope that you will work to protect as many people as possible, and limit or exclude any exclusions. So, my request is that you go for as much smoke free indoor space as you can, so

that we can protect the lungs of people. Do you have any comments? Is there anyone here that would like to make any comments on that?

Commissioner Nix: I think that's it's probably a little overdue, and I'm just glad that we're able to work with the city on it. I just think people need to have an open mind, because there are, it's not just, you know, I've gotten a lot of calls from people saying that's great, let's do it. You know, there are some situations, I think, that have to be taken into consideration to move this thing forward. I agree with Commissioner Shetler, we have to be on the same page with the city, because if you're not, you get unfair business advantages either for the city or the county. Plus, people, I think there's a lot of people that don't know where the city and the county start and end. So, what rules apply and those types of things. So, I think it's important that we move forward with the city on this.

President Musgrave: Okay, so, you'll come back to us with more information?

Commissioner Shetler: Hopefully, in the next couple of weeks we'll, I think, get to some point. There will probably be a little bit of negotiating back and forth, discuss the issues, to get it on the same page. Then, I would say, within the next two to six weeks something should be in front of us to vote on.

President Musgrave: Look forward to it. Is there any comment on this? Alright, Election Systems and Software voter tabulation system and services agreement, the letter from the County Clerk. I see the Clerk in the room today. If you would like to come forward and make your request.

Susan Kirk: Good afternoon.

Ted C. Ziemer, Jr.: Excuse me, I see the Health Department's leaving. You're not going out for a smoke, are you?

Gary Heck: No, sir, we're not.

Susan Kirk: Got any questions?

President Musgrave: Would you please briefly explain what you're requesting?

Susan Kirk: After reviewing the contract with ES&S that the County Commissioners did, well, the previous County Commissioners, we were going through and itemizing, and one part was not particularly itemized, and that was precinct kits. A precinct kit is a little kit that goes to each one of the precincts. ES&S was giving us a cardboard box. Inside that box was maybe, oh, I would say a hundred different kinds of sheets of paper. Like maybe a pad of ten of one form, a pad of ten of the other one, there was a roll of scotch tape, a few little rubber bands, three pens, a baggie, and one of their, ES&S, letter openers. We were paying, in 2004 they paid \$15,000 for 139, well, twice that, \$7,500 in the spring, and \$7,500 in the fall. \$60,000 was allocated towards that. Well, being that we've already spent 2004, \$15,000 for that, my staff went ahead, we went through the old forms, anything that we could use, we kept. If it was a new form, some of it we just ran off on the copy machine. Some envelopes we had to have printed, and I would say we spent, all total, maybe \$200, compared to \$7,500. So, I brought it before the board, and they decided that it was certainly worthwhile to bring to your attention, that if we could review ES&S' contract, and either get that \$45,000 back, or just take it off of what we owe them, that would

help. Because, I've already told ES&S, we don't want your precinct kits. I mean, to pay \$7,500 for rubber bands and paper in a cardboard box.

Commissioner Shetler: That sounds like that \$7,000 hammer that the military buys.

Susan Kirk: It just isn't, and it was very difficult to get them to itemize what was in the precinct kit. I had to ask like three or four times, but finally got it. So, anyway, it's just a matter of saving the taxpayers some money. Things that we can do ourselves, that even if we had to start from scratch and reprint everything from a printer, we're talking probably \$800.

Commissioner Nix: Is this inclusive of the whole contract? I mean, is this part of the contract that we can just say we don't want? Or a service that we don't want? Or is the contract going to have to be re-written?

Susan Kirk: That, I mean, Mr. Ziemer would have to look at that. We had our attorney, our Election Board attorney look at that. I think, under the circumstances with Election Systems and Software, that we probably have a pretty good chance of getting what we want.

President Musgrave: And you're going to—

Susan Kirk: They're facing some difficulties right now.

President Musgrave: You're going to undertake these negotiations.

Susan Kirk: Well, because you guys, the Commissioners are the ones that does the contract. We can't really do any contractual.

President Musgrave: We sign it, but it's generally negotiated by the department.

Susan Kirk: They're already aware that we don't want it. It's a matter of getting them to change the verbiage of that contract, and eliminating the precinct kits. Then it would be up to this Commission to decide, that extra \$45,000, what do you want to do with that? Do you want to take it off of money that we already owe them? Do you want to put it aside, in case down the road for some election supplies? That's up to you to do that contractual questions.

Commissioner Shetler: Susie, that brings up another question to me, and that is that since the number of precincts were reduced, is there going to be some net savings involved in that?

Susan Kirk: They didn't, they just....I'm sorry.

Commissioner Shetler: No, that's alright. Go ahead.

Susan Kirk: No, it's \$60,000 was allocated to do precinct kits for four years.

Commissioner Shetler: Well, I meant beyond the kits itself, if there was other savings. I know we're using the same amount of machines, but I didn't know if the number of precincts was going to have an impact as well.

Susan Kirk: Not really. I've gone through the contract the best that I could, and this was the only thing that I came up with that was worthwhile to bring up to the board.

We're going to see how some things go. I know, like I said, ES&S is experiencing some problems, not only in Vanderburgh, but other counties.

Commissioner Shetler: Well, I appreciate your due diligence. I have no problem making the motion, I guess.

Commissioner Nix: Question, you can work with these people on this, and then bring that back to us, is that your recommendation?

Susan Kirk: Well, I didn't ask them. I just told them, we don't want your precinct kits. So, now we've got kind of like \$45,000 out there that needs to be redirected, and it's up to you as to how you want that, because we didn't sign the contract. I can't–

President Musgrave: But, the Commissioners sign all contracts–

Susan Kirk: That's right.

President Musgrave: –but, they're negotiated by the department, the elected official involved. I sat through, unfortunately, a number of Commission meetings in the year or so leading up to this contract, and it was very, very unusual that the Commission did negotiate that contract, and went over the head of the Clerk at that time. I'm not going to do that to you, Susie. You need to negotiate that contract.

Susan Kirk: Actually, I commend the Commission for it, because you really need to have somebody that has some kind of an idea. We're one of four counties that–

President Musgrave: I would request that you, when you need the assistance of the County Attorney to please seek that.

Susan Kirk: Sure.

President Musgrave: But, to carry on the negotiations, and then come back to us with your recommended contract–

Susan Kirk: Okay.

President Musgrave: –that passes legal review, and I look forward to seeing that.

Susan Kirk: That sounds fine.

Commissioner Shetler: Do we need a motion at this point?

President Musgrave: To, for Susie to go ahead and work with the County Attorney. I think that's wise.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Good luck to you.

Susan Kirk: Thank you.

Commissioner Nix: Thank you.

President Musgrave: Okay, we received, moving on to the next item, some citizen comments regarding the Burkhardt TIF district. Those comments are in written form, and they are in the packet if anyone is interested. I'm pleased to report that the Redevelopment Commission met this morning, and made all the authorizing resolutions that were necessary to move the expansion of the Burkhardt TIF forward, and the issuance of bonds for the elevation and widening of Green River Road, the construction of Cross Pointe, the Burkhardt-Virginia interchange, and I think I've covered all of them, the County Engineer has left, but those actions were taken. The bonds, we don't know the exact amount of the bonds, it will be around \$28 million, and that money combined with money that's already in the accounts and future revenues will not quite be enough for everything that we need to do. So, we'll still be looking for a little bit more money to finish those projects. Hopefully, all those proposals, when we sift through them we will get maybe perhaps better numbers than we had projected. So, the comments are in the packet, and the Burkhardt TIF district has expanded, and bonds will be released shortly, and we're looking for the bond proceeds around the first of May.

Old Business

President Musgrave: Old business. Old Courthouse Foundation/Consultant RFP's. Will you be informing us?

B.J. Farrell: Actually, Commissioner Musgrave, our Old Courthouse Foundation Board President, Dennis Au, is here, and he would like to address the board.

President Musgrave: Please come forward.

B.J. Farrell: I'm sure Commissioner Nix and I could add anything if we need to.

Dennis Au: I'm Dennis Au, the president of the Old Courthouse Foundation Board. The board sent out RFP's to firms seeking someone who could put together a comprehensive plan for the Old Courthouse that would identify needs, renovation and restoration needs there, that would identify and recognize the special historic defining features of the building, that could help investigate occupancy possibilities there, and that could help us put together a fundraising document and program, and to, all this would indeed assist in any future work that would be done, at the Old Courthouse, would assist in supervision of the work. We received five proposals, and we selected one firm, a partnership of Veazey, Parrott, Durkin and Shoulders and Ratio Architects of Indianapolis. As our by-laws state that we cannot enter into any contract over \$5,000 without the approval of the County Commissioners, and since this contract will be, the base contract will be \$25,000, we are asking your approval for us to enter into a contract.

Commissioner Nix: Do you want to touch, basically, on we were looking at maybe starting with this and then rolling over into actual construction plans/specifications/drawings, how that came about?

Dennis Au: Right, this initial phase is just a blueprint of what might be done in the future. Indeed, the next phase would include supervision of work, as architects do,

these architectural firms that bid on these. So, this is not, this phase does not include that, as of yet, but it's probably anticipated we will go from this phase with a firm to the next phase.

Commissioner Nix: And, let me make sure that the other two Commissioners are aware of this, we would come back, or the Old Courthouse Board would come back for the next phase then at that point, is that the way, I mean, that's what we discussed, and I just want to make sure that they're—

Dennis Au: Indeed, because these contracts would obviously, in the later phase, be over \$5,000, we would be required to come back. Since it is county property, that would only seem prudent.

President Musgrave: How long will this phase last?

Dennis Au: The first phase, I would imagine, to put together the comprehensive plan and document, I would think by fall we would have that in hand. Then we would work in tandem with the county implementing the recommendations. How long would that take? It could take as long as ten years. We want to make sure, we would like to see this project done right, done very thoughtfully, and if it takes a little time, realizing that some of this is expensive, that's okay. But, we want to have a comprehensive plan so that we don't have to move along and then undo mistakes. So, it can be done, you know, in a way that makes sense. We don't want to backtrack at any point.

Commissioner Shetler: I would like to suggest that perhaps we look at, in conjunction with this, we've spent a lot of money on the roof, windows, other things have been done up-to-date, and it doesn't seem that we have a marketing plan, as such, in place, nor a management, you know, in place. I'm not sure that, I'm certainly not qualified, it's not my expertise, and not involved in that, that perhaps what we ought to do is seek RFP's from property or real estate management firms, and marketing firms that could actually look at the Courthouse and determine what's best, it's best suited for, what the rates ought to be. I think if they would get involved at this point in time, or the real near future, they could assist the architect along a little bit in the design phase of it, as far as at least giving suggestions of what they think that this Courthouse would be best marketed towards, and that he could help incorporate that. So, I think it's kind of the time that we might do that, plus a good, professional management team that would come in there could help preserve many of those improvements that we've made into it. I just think it's a very unique treasure that we have in our county, and rather than going into this every 20 years and making a major expenditure and then just kind of letting it sit idle and watching it deteriorate, watching the pigeons fly around it, that perhaps we ought to take a more proactive thing on it in the future. So, I would ask that we might, at this point, look at RFP's for both, in a separate way and then together, marketing it and also in the way of managing the facility.

Dennis Au: Exactly, and in the comprehensive plan we did speak with all of the people who presented about considering occupancy. Perhaps we phrased it a little bit different, because if you do all this work to have it empty, it accomplishes nothing. We need to have that facility used. It is a county building. Right now there is some government use, there's some private use. We need to figure out what's appropriate for the building. Then move forward so after this is done and as we move forward it will be fully utilized, because this is space that the county taxpayers pay for, for heat and cooling, etcetera, and it should be used to the best possible purposes.

President Musgrave: I would like to make a specific request that they touch base with the city and the successor organization to Vision-e, I can't remember what name they finally descended upon, was that Economic Development Coalition?

Commissioner Nix: We've got a couple board members that, I'm trying to think...Downtown Evansville?

Dennis Au: Mick?

B.J. Farrell: Mick Conati.

President Musgrave: Mick Conati?

B.J. Farrell: Mr. Stratman.

Dennis Au: Mr. Stratman, right.

President Musgrave: That organization is looking to co-locate Downtown Evansville, the Incubator, Vision-e, the Chamber, and they're looking at a building that's, or several buildings that are currently on the tax rolls. I've mentioned to them that if they take one of those buildings and own it, then it would go off the tax rolls, because they are all pretty much 501C3's. I would rather that they look at a building that is already off the tax rolls rather than take another building off the tax rolls. So, I would specifically request that this consulting group make contact with them and see if there is any interest whatsoever, or if we could persuade them about locating in the Old Courthouse might be the way to go.

Dennis Au: That would be fine. I don't think the board has any pre-conceived idea of who is to go in there. So, we are completely open to those suggestions.

President Musgrave: So, would you like to make a motion combining both of those thoughts in with their request?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you, sir.

Commissioner Nix: Thank you.

Dennis Au: Thank you.

Commissioner Nix: Let me just make a comment. Mr. Au, and I guess the rest of the board members, I'm really, really pleased. This is an all donated, I mean these people aren't paid for their time to sit on this board. They've done an excellent job, and I think these people, everybody on this board has a passion for this building. I would like to read the other board members, if I could. Like I said, there's a lot of people that take time on this; Mick Conati, Dennis Au, Stewart Sebree, John Stratman, our attorney, Ted Ziemer, but this is an unpaid position for Ted to do this,

Lloyd Winnecke, Susan Helfrich, B.J. Farrell, Marsha Abell, Kristin Tucker, and Kelley Coures. Once again, thank you for your time. It's a well worth project, or something we need to, like Commissioner Shetler said, it's a treasure, and we need to get it moving.

President Musgrave: Well, I noticed you skipped one name on there, and that would be Bill Nix. I don't know what we would do without your construction expertise on a number of buildings that we're constructing, reconstructing, thinking about doing something to. I appreciate all of your work on every one of those projects, but especially the Old Courthouse.

Dennis Au: And during the interviews of the firms, Mr. Nix's experience was extremely crucial. Again, thank you.

President Musgrave: Thank you. Letter from Senator Lugar regarding the VA hospital. Regular viewers of this program will remember that we sent a letter to Senator Lugar asking for his assistance in the VA hospital situation. I understand the VA hospital is looking to acquire a new space, and we have received today a reply from Senator Lugar. It's not a reply, it's a copy of a letter.

Commissioner Shetler: It's addressed actually to Secretary Nicholson, Secretary of the Department of Veterans Affairs.

"Dear Secretary Nicholson: I am pleased to join with the Board of Commissioners of Vanderburgh County to support the proposed expansion of the Evansville Outpatient Clinic (EOPC) in Indiana. The VA Capital Asset Realignment for Enhanced Services (CARES) Commission Report of 2004 has recommended the expansion of the EOPC. According to the VA Medical Center in Marion, Illinois, the architects are establishing the specifications for a new expanded facility in Evansville. The new facility would provide needed health care benefits for approximately 14,000 veterans within ten primary care clinics. Evansville Mayor Jonathan Weinzapfel and the Vanderburgh County Commissioners have contacted me requesting the consideration of the Welborn Hospital building in downtown Evansville within the competitive bidding process. I respectfully ask that you give full and fair consideration to their request. I applaud the efforts of the VA to realign and transform its health care system to provide services to a changing veteran population. Thank you for your thoughtful attention to this matter. Sincerely, Dick Lugar, United States Senator."

President Musgrave: I offer my personal thanks to Senator Lugar and his staff, but Senator Lugar taking time to review our letter and to send a letter to the Secretary of the VA, I think is just significant. It looks positive for us to continue with the VA clinic somewhere here in town, and the Welborn Clinic will come into consideration during that review.

Public Comment

President Musgrave: Public comment? Is there anyone here wishing to address the Commissioners on matters which the Commissioners oversee? I see no one.

Consent Items

President Musgrave: Consent items. They have not been amended. Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: A motion to adjourn?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

All Commissioners: Aye.

President Musgrave: The Drainage Board follows as soon as the Drainage Board can set up their laptop and projector.

(The meeting was adjourned at 5:20 p.m.)

CONSENT ITEMS:

Employment Changes:

Coroner (1)	County Highway (2)	Public Defender (1)
VCCC (1)	Area Plan Commission (1)	Circuit Court (1)
County Clerk (1)	Knight Assessor (1)	Auditor (1)

Travel Requests:

County Highway (1)	Health Department (2)	Treasurer (2)
--------------------	-----------------------	---------------

Commissioners:

Council Call Paperwork: Commissioners & Superintendent of County Bldgs.
Copy Machine Lease: Lang Company
J.E. Shekell Preventative Maintenance Agreement-Old Courthouse
Department Head Meeting Notes: March 21, 2006.

County Clerk: Waiver of Fee/Not Overtime for the Centre (election training)

County Engineer: Surplus letter: Top Con station, camera, chair, bookcase.

Treasurer: Year-to-Date Investment Report through February 28, 2006.

Health Department: Waiver of Fee/Not Overtime for the Centre (Health Fair).

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	John Stoll	Greg LaMar
Carolyn Rusk	John Bolton	Phil Lawrence
Sherman Greer	Dave Rector	Brad Hill
Steve Craig	Mike Duckworth	Susie Kirk
Dennis Au	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
APRIL 11, 2006**

The Vanderburgh County Board of Commissioners met in session this 11th day of April, 2006 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 April 11, 2006 meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Bill Fluty: Bill Fluty—

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: I'm in a hurry today. Bill Fluty, County Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the April 4, 2006 Commission Meeting Minutes

President Musgrave: We have the minutes of the April 4th Commission to approve.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

211 Presentation

President Musgrave: We would like to welcome Jo Anne Smith, the Director of 911, Central Dispatch, to give a presentation on the 211 service. I see that you have someone here to help you.

Jo Anne Smith: Yes. I would like to introduce Stephanie Norrick, she is with United Way. She is the person in charge of 211 in Vanderburgh County, and I am on their

board. Each of the Commissioners should have a flyer with information, and I'm going to let Stephanie speak a little bit about 211. I was scheduled for this meeting, it happens to be National Telecommunicators Week, so we have to put a little plug in for 911 as well. So, this 211 is an enhancement to 911, because they do services, where we take care of public safety. So, I'll let Stephanie take over now.

Stephanie Norrick: Thank you, Jo Anne. Thank you so much for inviting me here today to speak with you about 211. Just to give you a brief history, United Way offers First Call for Help, which is an information and referral call center. They've been offering it since 1986. What we do is we help people who are looking for information on, they need help with utilities, their rent, food, maybe they're looking for after school programs, perhaps they just had a family member diagnosed with Multiple Sclerosis, they want information. So, they call us, and we provide them information about programs that are in the community. All of our calls are free and confidential. We do conduct follow up calls on a percentage of our calls to determine the effectiveness, make sure our information is accurate and that the callers are getting services. Right now First Call for Help serves eight counties in Indiana, Vanderburgh, Warrick, Spencer, Posey, Gibson, Pike, Knox and Daviess County. We have over 700 agencies in our data base, consisting of over 1,600 programs, and those are almost all non-profits who are offering services for the community at large. We are a member of AIRS, which is the Alliance of Information Referral Systems. We are in an accreditation process, so, we will be an accredited information referral call center. We also have staff that are certified information referral specialists. What I've really come to talk to you today about is 211. 211 is an easy to remember three digit dialing code, similar to 911 and 411. 911 is for emergency services, 411 is to obtain information, 211 is for health and human services. So, what people can do is instead of remembering our seven digit phone number, 421-2800, or an 800 phone number, they just simply have to pick up the phone and dial 211. We offer quick access to health and human services, instead of trying to pick up the phone book, who can I call for this, or this or this? They just pick up the phone and dial 211. We recently celebrated our one year anniversary of being a 211 call center. 211 is live in Vanderburgh, Spencer and Warrick County. We are getting ready, on May 8th, to announce that we are live in Posey County. We're working with other counties to bring the service to our other counties as well. We are not just working on Southwestern Indiana for 211, we're actually in a state-wide partnership called the Indiana 211 Partnership. What we are doing is bringing 211 to the entire state of Indiana. Currently over 60 percent of the Hoosier population have access to 211. That is over 43 counties, and is served by ten call centers in the state. When we are finished there will be 16 call centers in the state providing 211 service. Nationwide over 50 percent of the population have access, by calling 211. Atlanta United Way in 1996 was the first 211 call center in the country. So, we've grown by leaps and bounds in ten years with over 50 percent of the population having access. Our services have not changed at all. We are still an information referral call center. We just did a name change. We now refer to ourselves as United Way 211. Just to provide you with a brief statistic, in 2005 we answered over 22,000 calls, and that's with myself as the director, two full time specialists, and two part time specialists. Our top five requests were for food, financial assistance, information, holiday assistance, and health and medical questions. As you see up there, you all have our take one cards, we have business cards, we have posters. Our services are offered, we can also do translations. If somebody calls us who does not speak English, we have a contract with a company called TeleInterpreters, and we do a three way phone call with them. So, we can also help people who do not speak English. That was a quick rundown. I wasn't sure how much time I had.

President Musgrave: Oh, you're fine.

Stephanie Norrick: So, now I just want to offer if you have any questions for me.

President Musgrave: I think it's wonderful. You're a United Way agency?

Stephanie Norrick: Yes.

President Musgrave: So, everyone's United Way contributions helps fund this cost.

Stephanie Norrick: Actually, I am United Way.

President Musgrave: You are United Way?

Stephanie Norrick: Yes, I'm a United Way employee. This is just one of the programs that they offer for the community.

President Musgrave: Well, this sounds like a wonderful clearinghouse, something that's much needed.

Stephanie Norrick: Yes.

President Musgrave: And you've only been in operation a year and you've already logged over 21,000 calls?

Stephanie Norrick: 22,000 calls.

President Musgrave: 22,000 calls?

Jo Anne Smith: 24 hours a day also.

Stephanie Norrick: Yes.

President Musgrave: 24 hours a day?

Stephanie Norrick: We are 24/7. After hours our calls go to an Indianapolis call center, as we work with the state-wide partnership. They have a copy of our data base. We all use the same data base. Our specialists are trained the exact same way. So, they are able to assist our callers who are calling after hours.

President Musgrave: I think that's really terrific.

National Public Safety Telecommunications Week Proclamation
--

President Musgrave: I know that we have a proclamation to read as well.

Stephanie Norrick: Wonderful!

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Thank you. Congratulations! I think you're the first ones on this new form that we have here for proclamations. It's very attractive.

“Whereas, the Central Dispatch System provides emergency dispatch to Vanderburgh County utilizing the latest technology, equipment and training available; and, Whereas, the changing environment of emergency response and the upgrade to new equipment requires a great deal of dedication to training and change; and, Whereas, the telecommunicators of the Centralized Dispatch for Evansville and Vanderburgh County have accepted the challenge of change and dedication; and, Whereas, in recognition of that dedication to the people they serve. Now, therefore, we the Vanderburgh County Commission, do proclaim the week of April the 9th through the 15th, 2006 as “Dispatcher’s Week” in Vanderburgh County.”

President Musgrave: So, we celebrate 911, National, is that telecommunications week?

Jo Anne Smith: National Telecommunicators Week.

President Musgrave: We can almost pronounce that. They ought to make it National 911 Week.

Jo Anne Smith: That would be much easier for me to say. I thank the Commission for that proclamation. I think that we all learned in this county in November that we can be very proud of the 911 dispatchers in this county.

President Musgrave: Indeed. So, now we have a new number.

Jo Anne Smith: Yes.

President Musgrave: Besides 911, which you call for emergencies, you can call 211 when you need other types of assistance, more food, social service related. I don’t want folks to get confused by that.

Jo Anne Smith: Yes, 24 hours a day, seven days a week for both services, I think is a big accomplishment for our community.

President Musgrave: It is. Thank you, Stephanie. Thank you, Jo Anne.

Permission to Award VC-04-2006: Construction of Spray Park

President Musgrave: Burdette Park, Mr. Steve Craig. I understand that we have permission to award the spray park contract. The spray park is new this year, right?

Steve Craig: Yes, Ma’am. We had replaced our aging bumper boats, and we’re in the process of installing a new water park, or spray park in our water park. It will be back on the back part of the aquatic center. I was wanting to get permission to award project VC-04-2006, the spray park contract, to ECI Construction, Inc.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Tell us a little bit about the spray park. When will it be open? What will it have?

Steve Craig: It will be open May 26th, that will be the first day the aquatic center opens for the 2006 season. It will contain 18 different spray features. We're going to have some palm trees around it. We're in the process of lining them up. We've put a new concession area back on the beach, and we've also put a new shade pavilion back there for the people that don't want to have to be in the sun all the time. It was a little bit of a problem. It used to be that you done your aquatic center so that everybody was in the sun, but with the sun being detrimental to your skin, people are looking more for a shade area, and we're going to provide that for the people this year at the Burdette aquatic center.

Commissioner Shetler: Steve, in addition to having a new attraction to the park, I understand this is going to be a bit of labor savings, cost savings, overall to the county? Can you explain that?

Steve Craig: Yes, before, when we had our bumper boats, we had personnel that were considered, they weren't lifeguards, they were spray park attendants, and they didn't have life guarding qualities, but what they do now, a spray park doesn't actually need to have people that are on duty, such as lifeguards. So, we're going to probably have ten or 12 less employees that we will not have to hire this summer. We'll need less lifeguards is what we'll need actually. It will be savings to the county.

Commissioner Shetler: Alright, thank you.

President Musgrave: Thank you very much. We look forward to the opening of the aquatic center and the new attraction at the spray park.

Steve Craig: I look forward to seeing you at the ribbon cutting.

President Musgrave: Okay.

Steve Craig: Thank you.

President Musgrave: In appropriate attire.

Open Bids for VC-9903-2006: Burdette Park Food Bids
--

President Musgrave: Phil Lawrence, open bids for VC-9903-2006, Burdette Park food. So, we can eat while we're at the spray park.

Phil Lawrence: While we're spray parking and swimming. I would appreciate that shade park. I've got most of the color that I need.

President Musgrave: Is there a motion to open the bids?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: While we are opening the bids we will move to contracts, agreements and leases.

<p>Health Department: HIV Substance Abuse Program Grant Sheriff Department: Family & Social Services Contract Amendment</p>

President Musgrave: We have two, one for the Health Department, HIV substance abuse program grant, and the Sheriff Department, Family and Social Services contract amendment. Unless there is any discussion of these two, we could just–

Ted C. Ziemer, Jr.: Excuse me, do you not have a third? Superior Court ICJI Byrne Grant?

President Musgrave: I think that may be on the consent agenda.

Ted C. Ziemer, Jr.: Ah. Is it? Okay.

President Musgrave: Okay. Is there any discussion of these? Or is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motions carry.

<p>County Engineer</p>

President Musgrave: Department head report, John Stoll, County Engineer.

John Stoll: I have three items. The first is a railroad grant reimbursement to submit to INDOT. This is for the amount of \$101.38. This is for a grant that was prepared by EUTS, and it is for railroad pavement markings and signs. I request your approval to sign that.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like to request approval for you to go ahead and accept the proposal submitted by R.W. Armstrong last week for the various projects that we had out in the RFP. Their proposal was actually submitted 12 minutes late, at 3:42. The original RFP that I put together was incorrect. It called for a submittal deadline of 5:30, based on the old Commissioners meeting time, as opposed to what the meetings currently are. I just didn't edit that in the old file. We had sent out a correction to say that they were due by 3:30, and in talking with the consultant, we weren't able to verify that they ever did receive the correction with the corrected 3:30 meeting time. So, on that basis, since the original root of the problem was the fact that we sent out an incorrect RFP, I would like for you to go ahead and open that proposal and consider theirs. I've consulted with the County Attorney and he felt that since there was no actual bid price or anything like that included in the proposal itself that it was not a problem for you to go ahead with that.

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second, and in addition to that, I don't think anything had been opened at that point in time either. So, it's, you know, it wasn't like there was anything revealed in any way, shape or form.

John Stoll: Right.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item that I have is a request to go to County Council to appropriate \$200,000 in the Baseline Road bridge account. This would be for the bridge over the CSX railroad. We don't have an account number established as of yet, but we've submitted the paperwork to the Auditor's office to get that established, otherwise I would tell you what the account number is at this time. But, I would like to go ahead and request that appropriation.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That was for design, if I didn't mention that previously. That's all I have, unless you have any questions.

President Musgrave: No.

John Stoll: Thanks.

Superintendent of County Buildings

President Musgrave: B.J. Farrell?

B.J. Farrell: As the Commissioners know, last Saturday we held our surplus sale at the Old Courthouse. I would like to report that we did collect over \$900, which we have already quietused into the county General Fund. For all of those interested parties, we managed to find someone who had a need for the old Votomatics and all of the ballot boxes. So, we now have no more election equipment stored in the Old Courthouse. I do have two other items I would like to bring to the Commissioners. Last week I had asked for Council call for utilities for the Old Courthouse. I did have to adjust that appropriation request, due to a typo on it. I have submitted that, but I would like to ask Commissioners for approval to go ahead and go to Council and ask for that for the utility monies. I also received a letter from Artwork Unlimited wanting to install some off-on line switches in the Old Courthouse for the area of the sub-basement. I have reviewed this request with Mr. Nix, he feels that it is okay, and I would like to work with Mr. Wolter on getting this accomplished with the understanding that he does obtain the required permits and uses a licensed electrician.

President Musgrave: Do you want to put all of these in the consent agenda?

B.J. Farrell: Yes, I would like to ask that the consent agenda be amended to include these.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

B.J. Farrell: Thank you.

President Musgrave: Alright, I have down here Mr. Steve Craig, but I think he has already done his report. There is no other report, perhaps, from any other department head, except for the County Attorney, and I don't know that you're ready to—

Ted C. Ziemer, Jr.: I'm not, but you might also want to give me permission to open the bid, the proposal of R.W. Armstrong, which is here from the County Engineer.

President Musgrave: Well, while you were concentrating, we did.

Ted C. Ziemer, Jr.: You did that? Okay, good.

Board Appointments

President Musgrave: We'll move on to the appointment.

Commissioner Nix: This is an appointment to the Common Wage Committee, and it's Paul Sowders. This is for a project with the Evansville Water and Sewer Utility.

President Musgrave: Is there a second?

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

New Business

President Musgrave: Is there any new business?

Old Business

President Musgrave: Any old business?

Public Comment

President Musgrave: Any public comment? Any comment by a member of the public on an item?

Consent Items

President Musgrave: Is there a motion on the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: As amended?

Commissioner Shetler: Yes.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I guess, we will just wait while the County Attorney finishes opening the bids.

Acknowledgment of County Highway Assistance in Surplus Sale
--

B.J. Farrell: Commissioner, if I may? During my report I did neglect to thank Mike Duckworth and the crew that he sent to the Old Courthouse on Saturday to help us. We did have four employees from that department, and they did just an absolute, fantastic job of helping us get the items out and loaded into anyone's car that had purchased those items, and just to help oversee the whole sale. I did want to thank Mr. Duckworth for that, as it was quite helpful.

President Musgrave: I know that we sent the bumper boats to be auctioned off. Is there any status on that?

B.J. Farrell: Wolfe's did, and when I submitted those last week for acceptance, they did sell those boats for \$100 each, and that was quite a surprise, you might say. They did comment that they would be willing to sell anything that the county would like to send their way. They will auction it off, and we would get our 60 percent, and that would be all it would be.

Commissioner Shetler: You know, that's a good point, I was just, as you were saying about the County Garage people coming out, and then all the time and effort that the county put into probably setting things up, I'm wondering if we wouldn't be better off looking at some how third partying this with an auction house of some sort, and then just take a net proceeds of the finished (Inaudible). I'm thinking, we probably have a lot of expenses involved (Inaudible).

B.J. Farrell: We do. On that particular day we had four people from the County Highway, myself, Marissa, and our two employees from the Old Courthouse there. As the doors opened at 8:00, and at 7:15 we had 35 people in line to enter the building. It was a very good suggestion on your part, Commissioner Shetler, because with the renovation that we hope to start doing at the Old Courthouse, we will not have the available storage space to store all of these items, as we do from sale to sale. So, that would be definitely something I would like to look into, to be able to send them to Wolfe's on a regular basis, and as the sale is held, then we could pursue that.

Commissioner Shetler: Yeah, I think what we might want to do in that case is probably send out for requests from different auctioneers, and see what they might do for us. We did that at our business a couple of years ago, and they just simply come periodically, we call them up, they come maybe once every quarter, and it works out very well. It's cut our expenses down tremendously, and whatever they get for it, we get a percentage back, and that's that. I'm thinking too, as I've gone through the Coliseum and seeing in some of those rooms that are cluttered with a lot of old, the Courthouse, I think, has some rooms where there's some clutter different places that we might, you know, maybe sometime do a spring or fall cleaning, and have an auctioneer just grab what they can, take it to their house, and maybe what we need to do is ask for some kind of pricing on that. Do you guys want to come up....is that, maybe initiate that from—

Commissioner Nix: I think it's a good idea. Like you said, we do tie up a lot of labor and time, and it's something that we have to do periodically to get rid of this stuff, and that might be another avenue to do that.

President Musgrave: Alright, so we'll have Ms. Farrell make inquiries among the various auction houses here locally. Are you ready, Mr. Ziemer?

Ted C. Ziemer, Jr.: I am.

Reading of Bids for VC-9903-2006: Burdette Park Food

Ted C. Ziemer, Jr.: We have, the bids for Burdette Park are on about 75 different food items, and all of the bids were done individually for food items like Fritos, this much, hamburger, that much, and so forth. Some of the bidders bid on all of the

items, one bidder bid on all of the items, the other three bidders only bid on certain of the items. So, if it would please the Commissioners, I'm going to suggest that the bid of CRS Corporation was for various pricing on various food items, that same thing applies to the separate bids of Weber Foods, Fischer Candy, and Sara Lee, and suggest that the Purchasing Agent review these food items, one against the other, and then report back at another meeting.

President Musgrave: Okay.

Commissioner Nix: I move to take the bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Reading of Proposal of R.W. Armstrong
--

Ted C. Ziemer, Jr.: Then, I have a response to a request for proposal by R.W. Armstrong, and they are responding on our request for Baseline Road bridge, Cross Pointe Boulevard widening and extension, and all three phases of Green River Road widening. This is an additional response to be added to those read into the record last week.

President Musgrave: Is there any further business to be brought before the Commission? Is there a motion to adjourn?

Commissioner Shetler: So moved.

Ted C. Ziemer, Jr.: Excuse me, are you going to move to move to take—

President Musgrave: We already did.

Ted C. Ziemer, Jr.: You did that too? You're very fast today.

Commissioner Musgrave: I'll second that.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The meeting is adjourned. We will now immediately convene the Drainage Board for Tuesday, April 11th.

(The meeting was adjourned at 3:55 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (5)	Circuit Court (1)	Health Department (2)
Sheriff Office (3)	VCCC (4)	County Clerk (1)
Knight Assessor (1)	Prosecutor (1)	

Travel Requests:

Health Department (3)	Treasurer (1)
-----------------------	---------------

Auditor:

A/P Vouchers.
Financial Statement-March 2006.

Commissioners:

Request for Appropriation: County Council (Hillcrest Washington).
Revised Appropriation Request: (Utilities at Old Courthouse)
Letter from Artwork Unlimited: Permission to install switches at OCH.
Taxpayer comments on proposed smoking ordinance.
Taxpayer comments on proposed consolidation public hearings.
Vision-e monthly report- March 2006.
Department head meeting notes-April 4, 2006.

County Council: Request for Burdette passes for county employees.

German Township Assessor: Surplus letter: computer hard drive.

Legal Aid: Monthly report-March 2006.

Purchasing: Monthly report-March 2006.

Superior Court: ICJI Byrne grant ratification.

Department head meeting notes:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services
CIO		

Those in attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Jo Anne Smith	Stephanie Norrick
Steve Craig	Phil Lawrence	John Stoll
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
APRIL 18, 2006**

The Vanderburgh County Board of Commissioners met in session this 18th day of April, 2006 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 April 18, 2006 meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the April 11, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the April 11th Commission meeting minutes?

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 for Burdette Park:
Parking Lot Renovations & Landscaping**

President Musgrave: We have quotes to open for the Burdette Park parking lot. Is there a motion to approve opening the quotes?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Permission to Open Quotes VC-05-2006: Moving of Election Equipment

President Musgrave: We will need permission to open the quotes for the moving of the voting equipment, and we're looking to award this tonight as well. That's VC-05-2006, is there a motion to open?

Commissioner Nix: Move.

Commissioner Shetler: I don't know if I should, should I vote on that since we put a bid in?

President Musgrave: To open them? I think that's fine.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Permission to Award APA-014-2006: Traffic Paint

President Musgrave: Mr. Lawrence, are you at the point where you're ready to award the traffic paint bid?

Ted C. Ziemer, Jr.: Excuse me, does mean that I can now open all of these packages back here?

President Musgrave: Go ahead.

Commissioner Nix: Have at it.

Phil Lawrence: Madam Chairman, Commissioners Nix and Shetler, I would like your permission to award APA-014-2006, traffic paint, to Sherwin-Williams, who was the low bidder at \$79,738.75.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Phil Lawrence: Thank you.

Permission to Open Proposals for Bridge Inspection & N. Green River Rd.

President Musgrave: County Engineer, permission to open proposals for bridge inspection and North Green River Road. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

County Highway: 2006 Final Paving List

President Musgrave: County Highway, Mike Duckworth, here to present the final paving list for 2006.

Mike Duckworth: Good afternoon, President Musgrave, Commissioners Nix and Shetler. Today I'm here for the wrap up and the summation of what we would perceive and would propose to the County Commissioners to be the 2006 road paving projects. As you can see, we've got a graphic up on the wall that pretty well shows you, if you'll look at the green lines, how sparsely we've selected the roadways in all three Commissioner districts, as well as from the north, east and west sides of the county. They detail just slightly over 34 miles of paving, which is, again, an increase this year in our paving schedule, and that is from, basically, a year's learning curve of how to work the materials, and I think that this will, in fact, will even leave us a little left, so if we have some smaller projects that we can do at the end of the paving season, we'll be able to complete those as well. We actually started our paving this week by assisting Burdette Park in some of their parking lot paving. As you well know, the budget money for the materials comes out of their budget, and we provide the labor and the equipment for that paving. In addition, this year, later in the year when we get along the proximity of Baseline Road, which you'll notice by the listing that I've provided to you, that will be on our website, and I'm providing to the media, that Baseline Road is going to have in excess of eight miles completed. It's one of our county roads, or one of the only county roads that goes from the west side to the east side borders. We'll be doing about eight miles of that, because it's in pretty bad shape. But, we'll be out in the Scott area at that time, so we'll probably do the finishing job of paving the park out there, the Scott Park, which is another similar situation with Burdette Park, where they pay for the materials and we basically do the work while we're on site. I would entertain any questions about this. As you can see, over the last two years this would represent somewhere over 60 miles of paving that we have done on straight-a-way roads. Just recently we completed, or are in the midst of completing our pothole blitz. We fielded approximately 118 calls, and completed that project earlier, or late last week. So, the only thing else that I have to add in regards to the paving projects, is that you notice ID number 25 is Hillside Drive, and that is a continuation of a 2005 project. The Surveyor's office and the Engineer's office have worked together to do some surveying of that area, and we hope to get that complete some time in the near future and get it completed this year. I would entertain any questions, but I would ask for your approval of this paving project list.

Commissioner Nix: Just for the record, I guess, just how you and the Commission and everyone arrived at this list. If you could just go through that in 30 seconds or less.

Mike Duckworth: Sure. We had three road hearings where we've gone to each district, and the Commissioners have fielded questions and inquiries and complaints from residents about stretches of roadway that need fixing or shoulders or potholes or whatever the case may be. We compiled a list of a great deal more than this. We had our supervisors and myself drive those areas, we asked and received assistance from the Engineer's office to inspect those roadways, and these are the roadways that we've come up with as our priority list to hit for this year.

Commissioner Nix: Okay.

Mike Duckworth: That was 28.5 seconds.

Commissioner Nix: That's pretty good.

President Musgrave: When do you expect to start paving?

Mike Duckworth: As I said, we began our paving, to work the kinks out of our repairs to our equipment and getting it in good shape. We've had some glitches as far as getting the mix from one of the local companies, and so we're working through that, but I would say by the end of April we will have Burdette completed, with all their new paving projects, and by May 1st we'll be on these roadways, weather permitting, working through, as long as it takes to get them complete.

President Musgrave: Is there a motion to approve the 2006 road paving list?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Duckworth.

Mike Duckworth: Thank you.

Commissioner Nix: Thank you for your hard work there, Mr. Duckworth.

President Musgrave: If you could turn the lights back on on your way past the switch, that would be very helpful.

<p>Resolution CO.R-05-06-012: Approving Issuance of Bonds: Burkhardt TIF Expansion Area</p>
--

President Musgrave: We have now the resolution CO.R-05-06-012, approving the issuance of bonds. Mr. Ziemer, do you have a moment to discuss?

Ted C. Ziemer, Jr.: Yes, in connection with the expansion of the Burkhardt Road TIF, the Redevelopment Commission has adopted a resolution on April 4th to issue bonds up to, but not in excess of \$30 million. The law requires that if any bond issuance amount is in excess of three million dollars, that the Commissioners must adopt a resolution authorizing that issuance. That's what the resolution you have before you today would do.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Health Department: Breastfeeding Peer Counselor Contracts (2)
EMA: Homeland Security Sub Grant Agreement
EMA: Memorandum of Understanding w/ Dept. Of Homeland Security
Sheriff Office: IN Dept. Of Corrections 2006-2007 Grant Application**

President Musgrave: We move now to contracts, agreements and leases. We have several, and if it pleases the Commissioners, perhaps we could take them as a group. We have the Health Department, the breastfeeding peer counselor contract, EMA Homeland Security Sub Grant agreement, EMA memorandum of understanding with Department of Homeland Security, and the Sheriff Department, Indiana Department of Corrections 2006-2007 grant.

Commissioner Nix: And according to the information that I've received, the County Attorney has had time to review all of these?

Ted C. Ziemer, Jr.: I have, and they're all satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: We move now to the department head reports. Mr. John Stoll, County Engineer.

B.J. Farrell: Commissioner, could we ask Mr. Stoll one quick question. John?

John Stoll: Sure.

B.J. Farrell: Thank you.

John Stoll: I had two items this afternoon. The first was a notice to bidders—

Commissioner Nix: Is your microphone on?

President Musgrave: I can hardly hear you.

John Stoll: Does that sound any better?

President Musgrave: A little.

John Stoll: The red light was on, so, I thought it was on. First, I have a notice to bidders for an Old State Road bridge, it's about half way between Hillsdale and Mt. Pleasant. This is for a new deck overlay. I would like your approval for to advertise a notice to bidders, and we will open the bids for that project on May 16th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I put a copy of the McCutchan Estates report in front of you. This is in regard to the letter that you had received from the homeowners association president a few weeks ago. This was a proposal from the homeowners association that the county would accept McCutchan Place as it enters into Ashmore Estates. In conjunction with that, we went out and took a look at it, originally, the homeowners association said that they would remove the guard shack, remove the speed bumps, resurface the road, and upgrade a retaining wall alongside the road. After having inspectors look at, we had a couple of other things that they needed to address, and that is in the list of recommendations that I presented to you. Those final items that I'm recommending that need to be done would be to provide a right-of-way dedication to replace an existing private easement, and also provide a survey that shows that the road lies within the easement, I mean, within the right-of-way that would be dedicated. Any encroachments, such as the retaining wall, the guard house, and the decorative walls at the entrance to the sub would need to be covered by an encroachment agreement, or they would have to be removed. In talking to Mr. Deputy, who originally submitted this letter, he said that they would like to keep these encroachments in place and do an encroachment agreement. The third item was something that I agreed with his assessment that the speed bumps would need to be removed. The fourth item that I recommended was that there was some areas where the street needed some patching before they did their resurfacing project. This typically consists of about six inches of rock and six inches of asphalt, and we would mark those areas in the event the homeowners association pursues these items. Then the final item was the retaining wall, it would need to be either designed by an engineer with experience in doing retaining wall work, or if it was just replaced with another railroad tie structure, then the homeowners association would retain

control of it. Mr. Deputy indicated that their preference would probably be to go back with another retaining wall made of railroad ties, and in doing so then we would address that with an encroachment agreement as well. So, those are my recommendations, and with your approval then we can forward that back to the homeowners association for their final action to let us know whether or not they plan to pursue these items.

President Musgrave: Okay, so you don't need any action from us today then?

John Stoll: I guess, other than the consensus that you agree with our recommendations on how the homeowners association needs to proceed.

Commissioner Shetler: Or would you want to make a motion to approve subject to making sure that the conditions are met and signed by some kind of draft agreement by the (Inaudible)?

Commissioner Nix: I think we should (Inaudible).

President Musgrave: Okay, there is item number two on here, the decorative wall and the guard house, are we saying that they need to be removed or would we prefer to look at an encroachment agreement?

Commissioner Shetler: I think what they're looking to do, at the moment, is to go ahead and go with an encroachment agreement that we would draft and they would sign off on for both the guard shack, the decorative wall around it, and then also the retaining wall where the ties are, which is listed there in number five. I think that's what they're seeking at the moment.

President Musgrave: So, you want to go ahead and—

Commissioner Shetler: So, in essence, what we're doing is really approving the road surface, that 600 feet of road surface that's been in existence for over 20 years now, or been used for that neighborhood, to accept it for future maintenance after they get it up to county shape.

President Musgrave: Subject to all of these requirements?

Commissioner Shetler: Subject to all of those requirements. I would make a motion that we would accept it, subject to approval, final approval by the County Engineer and County Attorney on getting those details laid out.

Commissioner Nix: Go ahead, John.

John Stoll: Once the county approves this plan of attack for this road, then the homeowners association would take a final vote as to whether or not they want to pursue it. Then, assuming they did pursue it, we would have inspectors out there verifying that everything was completed in accordance with this list, and at that time I would bring an acceptance form back to you for official acceptance of the road.

Commissioner Nix: All the legal work that's being done is being done by the association, the neighborhood association of McCutchan Place? As far as the descriptions, the easements and that type of thing?

John Stoll: Yes.

Commissioner Nix: Okay. That's all a cost that they will bear as part of this?

John Stoll: Right. The county wouldn't be out money for construction associated with any of the things on this list.

Commissioner Nix: Plus also the legal work and those things?

John Stoll: Probably the only legal work issue that would come into play would be I would have to get with the County Attorney in regards to an acceptable encroachment agreement format, but I suspect we could use something similar to the agreements that were used when METS got approval to put their bus shelters in county right-of-way.

Commissioner Nix: Yeah. I'll second that motion then.

President Musgrave: Okay, we have a motion and a second. All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The only other thing that I have, when Mike was up here a while ago talking about the paving list and he was saying that he would get started next month, we're in the process right now of getting the quantities put together for the concrete patching contract, and I hope to bring a notice to bidders on that to you next week for approval.

President Musgrave: Okay.

John Stoll: That's all I have.

Burdette Park

President Musgrave: Mr. Steve Craig, manager of Burdette Park?

Steve Craig: I have nothing at this time.

Superintendent of County Buildings

President Musgrave: B.J. Farrell has nothing?

B.J. Farrell: I have nothing this week, thank you.

CIO

President Musgrave: Mr. Matt Arvay? Oh, the attorney will handle that. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, Matt Arvay in the IT department has been working on the development of requests for services to be disseminated widely in an effort to obtain responses to those requests for services for provision of contractual services regarding information technology for Vanderburgh County and the City of Evansville.

He is here today requesting approval from the Commissioners to issue those requests for services.

President Musgrave: Any questions? If there are none, do we have a motion to approve the issuing of the RFS?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Any other department heads that I may have overlooked? I see none.

New Business

President Musgrave: We move now to new business. Board of Health, resolution in support of a smoke free ordinance. Are you here from the Board of Health to address this?

Gary Heck: Gary Heck, Vanderburgh County Health Department. I'm here to request that on behalf of the board, yes, Ma'am.

President Musgrave: I believe we have a copy of the ordinance.

Gary Heck: Oh, this is a request, this is a resolution—

President Musgrave: Resolution, I'm sorry.

Gary Heck: —that was passed by the Board of Health requesting, and it was sent to both the County Commissioners and to the City of Evansville Council requesting them to consider supporting a smoke free ordinance as well. I'm not sure of your procedures, do you need it read into the record?

President Musgrave: I think that would be nice. The board itself voted to adopt this resolution, is that right?

Gary Heck: The board itself unanimously, at it's regular meeting on April 13th.

President Musgrave: Okay, if you would go ahead and read it please.

Gary Heck:

“Whereas, environmental tobacco smoke, also referred to as second hand smoke, is classified as a group A carcinogen, carcinogenic to humans under the Environmental Protection Agency’s Carcinogen Assessment Guidelines; and, Whereas, exposure to environmental tobacco smoke causes lung cancer, nasal sinus cancer, and has been linked to an increased risk for heart disease in non-smokers; and, Whereas, exposure to environmental tobacco smoke is associated with

increased respiratory problems in children, such as inducing and exasperating asthma and causing severe lower respiratory tract infections, environmental tobacco smoke exposure also causes middle ear infections in children and increases the risk for Sudden Infant Death Syndrome; and, Whereas, surveys conducted in other cities or states before and after smoke free laws went into effect have shown a reduction in the incidence of heart attacks in a given population, improvement in the health of workers and patrons in the hospitality industry, and an improvement in the air quality after the implementation of smoke free laws; and, Whereas, the American Society of Heating, Refrigeration and Air Conditioning Engineers concluded that adverse health effects associated with indoor exposure to second hand smoke cannot be controlled by ventilation, and that the only effective means to eliminate health risks is to ban smoking activities; and, Whereas, involuntary exposure to environmental tobacco smoke is a serious public health hazard that is preventable by adopting and enforcing appropriate regulatory policies. Therefore, be it resolved that the Vanderburgh County Board of Health supports optimal protection of the public through an ordinance requiring smoke free environments in all schools, work places and public places. Approved this 13th day of April, 2006 in Vanderburgh County, Indiana, and forwarded to the Vanderburgh County Commissioners, the Mayor of Evansville, and the members of the Evansville City Council.”

It was signed by the secretary and the president of the board.

President Musgrave: Thank you.

Gary Heck: There was also an attachment of references to sites, websites that supported the findings in the resolution as well.

President Musgrave: Is this on the Health Department’s website, so that people can access it?

Gary Heck: If it’s not, it will be real soon.

President Musgrave: Okay, thank you, Gary.

Gary Heck: Yes, Ma’am.

President Musgrave: Does anybody have any questions?

Commissioner Shetler: I don’t have a question with Gary on this, but on a related matter, there will be a meeting that will take place Thursday afternoon where at that time we’ll try to line up...what we’re going to do is try to have joint city and county meetings with the City Council and the County Commissioners, public hearings on the issue so that people aren’t having to go to two or three different same kind of meetings. That way we could do it all at one time. My desire, and this is just my own opinion at the moment that we would have at least two, maybe more, but one held in the city, and one perhaps out in the county area. Locations haven’t been decided, I assume Thursday afternoon all of this will be talked about.

President Musgrave: I would hope that we would have at least one meeting in this room to utilize the camera system that we already have in place. I’ll look into how

we could film and then later broadcast on our regular WNIN contractual situation any meetings held elsewhere, if that's agreeable to you?

Commissioner Nix: Sounds fine.

President Musgrave: Good. Thank you very much.

Gary Heck: Thank you.

Commissioner Nix: Thank you.

President Musgrave: Thanks to the board for it's efforts.

Madelyn Grayson: Commissioner Musgrave?

President Musgrave: Yes, Ma'am?

Madelyn Grayson: There were two agreements for Burdette that were in my packet today that I don't think got approved earlier. One is an addendum to an agreement for American General to use the pavilion?

President Musgrave: Yes, you're right, I do not see that on the agenda. What is the other one?

Madelyn Grayson: An agreement with USI to use their PAC pool for lifesaving. They've both been reviewed by the County Attorney, but I don't think they were on here.

President Musgrave: It's possible that it did not make it in time to get on the list, but I have seen the e-mails, going over those.

Commissioner Nix: Those were e-mailed earlier today.

President Musgrave: Would you like to make a motion to accept them?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you for bringing that to my attention. The Commission meeting, cancellation of the May 9th, we're here to discuss cancelling our May 9th meeting. As you know, May 2nd is the Primary, and we did not schedule a meeting, of course, on that day, and now it appears that on May 9th we may not have a quorum. I'll be out of town, and it's possible that another member of the Commission will also be out of town. So, if we want to go ahead and cancel that meeting, today might be a good time to do that, so that the department heads and members of the public know that next week is their opportunity to get that business matter to us, otherwise we'll be waiting for two weeks after that. Is there a motion to cancel the May 9th meeting?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

B.J. Farrell: Commissioner, may I have permission to send a notice to all department heads notifying them that our meeting will be cancelled?

President Musgrave: Please do. Police Department space. Two weeks ago we spoke with Mr. Rector from the Building Authority, I believe he's here, and Chief of Police is also here. They're looking to occupy the vacated Sheriff's Department space on the first floor. We've had a number of discussions among Commissioners and other offices, and it looks like we're at a point where, Mr. Rector, perhaps you can accommodate the need of the IT Department to be closer to itself, rather than spread all over. Do you have any remarks to make on this?

Dave Rector: I think we have, haven't we?

President Musgrave: We're working on it.

Dave Rector: As we've discussed, as you say, a number of times, and I met today with Matt Arvay and Joe Ballard. I thought we had it worked out. I think we have it worked out. I spoke with Commissioner Nix later this afternoon, another opportunity. I think the long and short of it is, yes, we can work out space for GIS to move into the Solid Waste space. There's somewhere for them to get the additional space they need. How that's going to work, I think we've got a multiple array of ideas we can come up with, but just to stand here and tell you right now this person's moving here to there, I really can't do that. Other than I do know the space is there and we can work it out.

President Musgrave: Okay.

Commissioner Nix: I really feel like once we get some space freed up in the existing building, less what we're going to call the old jail space, it's going to give us some opportunities to move forward with planning. So, this is the first step in that. I think it's a positive step to get this out of the way and get that space freed up.

President Musgrave: It looks like with the furniture that we have left in the Sheriff's Department and some other loose ends that need to be tied up, it looks like June 1st might be the best date for us to make this switch from County Sheriff space to City Police space effective.

Dave Rector: Maybe it would make it even easier if we did July 1st. That's the next billing cycle.

President Musgrave: Oh, that would be better.

Dave Rector: That gives us all time to get your stuff out of there, and to get their plans put together. That's a good, clean cut off, so we don't have to try to pro-rate the rent.

President Musgrave: What does this do to the Police Department's lawsuit against you? Do they drop it?

Dave Rector: I think my attorney would probably advise me not to discuss that. That's a whole different area.

President Musgrave: Alright, so, if there's a motion that effective July 1, 2006, the Police Department will take over the vacated Sheriff Department space and all rent associated with that space, that would be good.

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 all.

Commissioner Nix: Thank you, Mr. Rector. Thank you, Chief Hill.

Commissioner Shetler: Thanks, Chief.

President Musgrave: Candidate signs. I believe it was last summer that this Commission passed an ordinance regarding signs, and it covers everything from the weight loss signs to all other signs placed out in county space, and it was brought to my attention that there are candidate signs being placed in public right-of-way, and the Highway Department has asked us what should they do about this? Basically, those signs, whether they're candidates or for a weight loss clinic in public right-of-way are not permitted, and I would like to have a motion here today so that the Highway Department knows for sure that they are to pull any sign in county right-of-way and take them back to the Highway Department. If the political parties want to come and pick them up there, that's fine, but they'll be thrown away after the Primary itself.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Burdette Park. I've been corresponding with INDOT regarding the Major Moves money that is supplemental, that Governor Daniels said that would be distributed, both in 2006 and 2007, and I've been asking whether there were restrictions placed on that money, basically, whether we could use that on bike paths

or not. I'm really pleased to report, yesterday, that I got an e-mail saying that it could be spent on bike paths, as well as roads. I would like the Commission to entertain setting aside this money that we will get two years running, I believe it's a little over \$700,000 each year to fund the county's match for the \$2.2 million that it will cost to construct the Burdette Park bike path. We still have a federal and state grant applications pending, but that would only cover about a million dollars of it, each grant would. It's unlikely that we would get both. So, if the Commissioners want to discuss that, or have any comments, or any direction.

Commissioner Shetler: At this time you're not asking for that money to be specifically used for that, but only set aside and no decision be made on it at the moment, right? So, that it's available if we decide to go that direction?

President Musgrave: Uh-huh.

Commissioner Shetler: I have no problem.

Commissioner Nix: Nor I. I would like to say, and I think we've done a good job soliciting money for this particular project, and there may be some more money coming down the pike. That's another reason that I feel, as Commissioner Shetler does, that we need to make sure that we look at all other avenues before we actually utilize money for this. But, I think it would be a good idea to set it aside for that. I don't have a problem with that either.

President Musgrave: Our first grant application, the notification of whether or not we will receive it should be coming in June. Then the second one, the federal one, would come in November. So, we'll have a couple of points between now and the end of the year where we can make a decision on this. From what I understand, no one's exactly certain when the Major Moves money is coming either. I've heard dates as varied from June toward the end of the year. So, nothing's done yet, but I'm pleased to hear that you're willing to entertain spending it on the bike path at Burdette, which, as you all know, is about a three mile long path, and it's been on a drawing board for at least 20 years. We've already hired, and they are out there working in the field placing little flags all along the path between Burdette Park and USI, and as soon as the surveying work gets done, we'll be drawing up the legal descriptions, and it's my understanding that Southern Indiana Higher Education, SIHE, has agreed to then hold a meeting where they will transfer, are those actually deeds?

Ted C. Ziemer, Jr.: Easements.

President Musgrave: Easements to the county. So, at that point we would be able to go ahead and start construction, when all of that gets done. So, we're moving, and it's good to know that we might have some money to actually make that happen.

Old Business

President Musgrave: Ashmore Estates Subdivision, did we already cover that?

Commissioner Shetler: We did that with John.

President Musgrave: Thank you.

Public Comment

President Musgrave: We’re at the point in the agenda now for public comment. Is there anyone here who desires to address the Commissioners on matters that come under Commission authority? I see no one.

Report on Bid Openings:
Burdette Park: Parking Lot and Landscaping
VC-05-2006: Moving of Election Equipment
RFP’s Bridge Inspection & North Green River Road

President Musgrave: Have we anything to add to the consent agenda? Oh, I ought to let you report your bids too. Do you want to go ahead?

Ted C. Ziemer, Jr.: Sure, for the aquatic center improvements at Burdette Park there are eight alternates. Deig Brothers bids the following for alternates one through eight; \$55,310, \$35,150, \$29,875, \$9,000, \$30,920, \$29,210, \$19, 500, \$47,815. ECI Construction bids on the same eight alternates in the order of one through eight; \$30,335, \$10,728, \$16,700, \$6,500, \$14,700, \$11,650, \$14,200, \$42,800.

Burdette Park: Parking Lot and Landscaping

Company Name	Alt #1	Alt #2	Alt #3	Alt #4	Alt #5	Alt #6	Alt #7	Alt # 8
Deig Bros.	\$55,310	\$35,150	\$29,875	\$9,000	\$30,920	\$29,210	\$19,500	\$47,815
ECI Const.	\$30,335	\$10,728	\$16,700	\$6,500	\$14,700	\$11,650	\$14,200	\$42,800

Ted C. Ziemer, Jr.: For the moving of election equipment we have two bids, one from Shetler Moving and Storage Company for \$11,000, one for Kinder Moving for \$4,700.

VC-5-2006: Moving of Election Equipment

Company Name	Bid Amount
Shetler Moving and Storage	\$11,000.00
Kinder Moving and Storage	\$4,700.00

Ted C. Ziemer, Jr.: We have responses for requests for proposals for Green River Road from Hirsch to Heckel, for engineering services as follows; from Professional Engineers, Wessler Associates, Morley and Associates, Corradino LLC, R.W. Armstrong, Beam, Longest and Neff, DLZ, Strand Associates, American Consulting, and RQAW Consulting Engineers. Then, we have responses to requests for proposals for engineering services for county bridge inspection from Professional Engineers, R.W. Armstrong, Beam, Longest and Neff, DLZ, WTH Engineering, Bernardin Lochmueller and Associates, USI Consultants, and United Consulting. That’s it.

President Musgrave: Is there a motion to take those bids under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: On that election, what do I do now?

B.J. Farrell: We would ask the Commission to award the moving of the election equipment since election day is two weeks away, and we need to start working with the vendor to get that in progress.

President Musgrave: You could just withdraw the—

Commissioner Nix: That's fine.

Commissioner Shetler: So, I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The moving of the election equipment, you want to award today.

Commissioner Shetler: Since we're not the successful, I'll move that, since we're not the successful bidder, I want to be clear on that, that we award that to Kinder, that was the low bidder on that.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is that all of the bid openings and awardings that we had left to do?

Ted C. Ziemer, Jr.: Yes, thank you.

Consent Items

President Musgrave: Is there a motion to approve the consent agenda?

Commissioner Nix: Yes, I have one change to the consent items. It does state, let me see here, jail pay application. One of them is an application for jail, and the other is actually a pay app to ARC Construction for Community Corrections. So, that would be revised for the record.

President Musgrave: And to approve them as submitted?

Commissioner Nix: Yes.

President Musgrave: Is there a motion to amend the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: And a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

(The meeting was adjourned at 4:05 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (1)	VCCC (1)	Sheriff Office (3)
German Assessor (1)	County Clerk (1)	Health Department (2)

Travel Requests:

Commissioners (1)	Health Department (1)
-------------------	-----------------------

Commissioners:

Hillcrest Washington-1st Quarter Fees.
Kraftwerks Check for Spring Craft Sale at OCH-\$1,300.
Taxpayer Comments on Smoking Ordinance.
Evansville ARC monthly report-March 2006.
IBAP Gatekeeper report.
Jail Pay Application #79: \$200,630.86
Community Corrections Pay Applications 15 & 16: ARC: \$138,447.15
Community Corrections Pay Application: Lyon Workspace: \$23,771
Department head meeting notes: April 11, 2006.

County Clerk: Monthly report-September 2005.

County Treasurer Year-to-Date Investment Report: March 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of. Bldgs.	Veterans Services

Those in Attendance:

Cheryl Musgrave
Bill Fluty
Madelyn Grayson
Mike Duckworth
Dave Rector

Bill Nix
Ted C. Ziemer, Jr.
Phil Lawrence
Steve Craig
Others Unidentified

Tom Shetler, Jr.
B.J. Farrell
John Stoll
Gary Heck
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
APRIL 25, 2006**

The Vanderburgh County Board of Commissioners met in session this 25th day of April, 2006 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 April 26, 2006 meeting of the Board of Commissioners. We will begin with introductions.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the April 18, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the April 18, 2006 minutes?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

National Soil and Water Stewardship Week Proclamation

President Musgrave: Action items, we have Norma Duckworth from Soil and Water Conservation District here today to read a proclamation for the National Soil and Water Stewardship Week.

Norma Duckworth: Yes, thank you for having me. National Soil and Water Stewardship is coming up, and we would like to recognize it both in the abundance of water and good soils we have here, and also in the need to use those resources wisely. So;

“Whereas, fertile soil and clean water provide us with our daily sustenance; and, Whereas, effective conservation practices have helped us provide 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, I do ask you to proclaim April 30-May 7, 2006 as Soil and Water Stewardship Week.”

President Musgrave: Is there a motion?

Commissioner Nix: I move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Norma Duckworth: Thank you very much.

Commissioner Nix: Thank you, Norma.

Commissioner Shetler: Thank you, Norma.

County Highway Vehicle Tracking Presentation (AVL)

President Musgrave: Now, Mr. Mike Duckworth and Matt Arvay, the CIO, will make a presentation on our new tracking system for County Highway vehicles. It's called an AVL system. Mr. Duckworth?

Mike Duckworth: Yes, Commissioner Musgrave, Shetler and Nix, Mike Duckworth, County Highway Department. I'm here today to briefly explain a program that we're implementing at the County Highway Department. It basically enables not only the administration, but also the public to view where and the locations and the times that our equipment will be doing the county's work within the Vanderburgh County right-of-ways and lines. As you can see on the map here, it gives you a little idea of what we're discussing. This came out of a situation in the 2004 snow storm when, of course, with 22 inches of snow we had vehicles stranded in ditches and roadways, and people were wondering, you know, when snow plows were going to be coming into their area. Now, this enables, during those kinds of times and other types of critical incidents for people to pull up the website, and to actually see where the work's being done and how close it is to their proximity. It will monitor approximately 20 vehicles to start out, and everything from dump trucks to gradalls, which are heavy equipment to do ditching and digging and heavy lifting, as well as tree crews that will be removing trees that have fallen across roadways and into right-of-ways. I would just say to you that this tool enables us to, again, monitor the progress, the location of the vehicles, as well as react to any emergency situations that may take place. For instance, if there's an immediate need on one side of town, I can go on this site and figure out which vehicles are close in proximity, and dispatch those vehicles to that area. This will not only save fuel, but it will get our crews to the location in a much quicker, expedient way. So, there's a number of advantages to it, and to be frank and quite honest with you, this is a work in progress, and I think the longer we have it, the more we'll be able to utilize the equipment and the

information that we're receiving. So, Matt is here, he may want to go into a little bit more of the technical side of it, but to explain about how the map can be utilized by the general public. But, as I said, it's more of a window for them to be able to pull up the site and see where we're doing our work.

President Musgrave: Mr. Arvay, do you just want to make a couple of explanations about what you see here on the map?

Matt Arvay: Sure. What you see, basically, is two technologies coming together. GIS technology and GPS technology. Where you're seeing is the various trucks on our GIS base map. On the upper left hand corner you have some basic mapping tools that allow you to zoom in and out of the map, do some basic measuring, and, basically, just identifying the locations. You can get to that by Vanderburghgis.com/countyhighway.

President Musgrave: Alright. If you'll get the lights for me again? Either one of you can get the lights. Thank you very much. Years ago when I was working to bring GIS to Vanderburgh County, I recall having made several presentations to City and County Council saying that this GIS system would be useful for many, many things, and tax mapping was just a start. I'm glad today to be able to deliver on that. While I was not Commissioner during that snow storm of 22 inches, I was one of the frustrated people wondering when our roads were going to be cleared. Soon after getting in office I sat down with Matt Arvay and Mike Duckworth saying, "Can we do this?" Now it has taken a few months to bring this to fruition, and I know that Mr. Arvay and his staff have worked very hard to do this. Mr. Duckworth's staff has been so excited to know that their vehicles will be able to be tracked. So, I thank everyone for the work that they've put in on this. I look forward to it's further development. Especially, I want to be able to track those snow plows on the web, as a member of the public next winter. So, I give you that challenge. Mr. Nix?

Commissioner Nix: Just on behalf of myself and the rest of the community, I think this is a great, great tool that we can use to, not only during snow season, but as Mike can attest to, sometimes there's a need for him just to look and see where vehicles are at to move them around different places. I think it's great. Congratulations on your hard work on this. I know that this is something that you've had on the radar screen for awhile, and it looks like now it's come to pass.

Commissioner Shetler: Yeah, Cheryl, my congratulations as well. You know, I think more than anything it is, county government is to deliver services to the public, and it allows us to do that. So, it's a great management tool to be able to see if we have a truck in a specific area, when a tree falls into a road, then we can get that crew there quickly, and which crews most, you know, able to do that and stuff. So, I do think that this is a real management tool that we can utilize. I see it as a real marketing tool for, you know, as we watch the storms as they go across the radar scope so often with the various different television stations that we're watching, they go into Holland, Indiana; Jasper, Indiana, and we're watching it creep along and stuff on that line, I can see us kind of following the snow plows and knowing that Darmstadt Road is cleared all the way up to First Avenue as you come into town and stuff. So, I can see where eventually this could be something that could be very helpful as far as routing traffic into emergency situations and knowing what's been cleared and what hasn't been cleared, etcetera.

Mike Duckworth: You know, I think the last point that I would like to make about this is the fact that with new technology and studying how we can be more effective and

more efficient with the equipment that the taxpayers have spent their good dollars on, it not only enables us to be more efficient, but it also enables us to cut down on other costs, like fuel. Everybody knows that we're all going to be, you know, stretched to the limit in regards to fuel. So, if I can look on this screen and direct a closer vehicle to an area, and not just get on the radio and call until I find one, it's going to be faster to get the equipment out there, and more efficient, and, hopefully, save on fuel and other costs. So, I think it's a win-win situation. We're trying very hard to work smarter. Not only that, but to enable our crews to understand and acclimate themselves to technology. You would have never thought ten or 15 years ago that you would have highway workers working formulas for beet juice and salt brine and these kinds of things to pre-treat roads so that they don't have to be out there all night removing the snow from the roads. So, it's those kinds of things that I think that enable us to work smarter. Thank you.

President Musgrave: Thank you. Speaking of tax dollars, we have Vanderburgh County Treasurer, Z. Tuley to remind everyone that it's time to send us your tax dollars.

Tax Bill Due Date Update: May 10, 2006

Z. Tuley: Howdy. I love saying howdy. I love to say that even more to the folks in the north. I love doing that.

Commissioner Shetler: I barely noticed that you were here.

Commissioner Nix: How far north?

Commissioner Shetler: I barely noticed you were even here, it's the orange suit.

Z. Tuley: I know. This is the hacienda outfit.

Commissioner Shetler: I tried to (Inaudible).

Z. Tuley: It's the bright orange and so forth. Today is a cheery day. The tax bills went in the mail. People will be receiving them in the Vanderburgh County mailboxes this week. They are going to be due May 10 and November 10, and I'm sorry I don't have a display for you, but I did not have time to get one prepared, or to get the information on it. The perforations should be a little easier to tear this year, and, so, therefore, we won't have the ripping like we did last year, where people were tearing the tax bills in the fold. The fold happens to run across the November tax deadline, where it's printed November 10. So, that caused some problems last year. So, we've got all of that cleaned up, and it's all corrected. I think that it's going to be good. We picked U of E purple this year for the tax bills. I want to let everybody know this is the last legal deadline day to get them out, and I made it again. That's the way I feel. I made it again. I do want to remind the public that we do have limited parking out front, and that we do have 16 bank locations with Integra Bank. Any of those who are struggling with disabilities and so forth, they don't feel the need to come down here, they're more than welcome to go through the Integra Bank drive thru. They're not required to go inside to pay. They can pay in the drive thru, they won't have to get out of their vehicles. I strongly urge the taxpayers to take advantage of Integra Bank accepting the payments, because I do think it is more convenient than getting downtown. Payments are also acceptable on line. There is a fee for using your credit card, but through the website,

www.vanderburghtreasurer.org they can go down to official payments and pay. If no one has access to a computer, they can call 1-800 the number two and then the words pay tax, and Vanderburgh County has a jurisdiction code of 2405. All of this information is on the tax bill, every bank location, how to go onto the website is on there, and the jurisdiction code for Vanderburgh County is also on the tax bill itself. Tax bills, their payments must be post marked on or before May 10. Every year we have a slew of tax bills that are post marked May the 11th, and, I'm sorry, but you just handed me a smoking gun that said that you were late. By law, Indiana Code, it's 6-1-1-37-10 says that I am to apply a ten percent penalty. I know it sound harsh, but it's intended to be harsh so that everyone pays on time, so that the county can meet their budgetary obligations as the other taxing entities, so that Bill and I can make a settlement on time. As always though, the taxpayers can pay in person in my office between 8:00 and 4:30 Monday through Friday. If the taxpayers did not receive their bill, please call me at 435-5248, because every year I have trays and trays of returned mail. I do need your new address if you have moved. I believe that pretty much covers the tax bills themselves.

Commissioner Nix: I have a question.

Z. Tuley: Sure.

Commissioner Nix: If someone is paying their taxes through an escrow or through the bank as part of the payment and they receive a tax bill and it's for just a small amount, they still owe that tax? Is that correct? Because I've had some people ask me that.

Z. Tuley: Yes.

Commissioner Nix: Explain how or why that happens.

Z. Tuley: Okay, if they got a bill for a very small amount, more than likely it's their personal property bill. This does get confusing for some of the taxpayers. If it's a personal property bill, it will state personal property on the coupon.

Commissioner Nix: Okay.

Z. Tuley: It will be right dead in the center, it will say personal property. Also, it will indicate that with the lead in letter of the tax duplicate number. It should say "P", that will be an RV, a four wheeler, a boat trailer, something to that effect. The "R"'s are for real estate, and that is your land and your home, and things of this nature. If your or their escrow company has informed me that they would like to have that tax bill to pay, then you will see it stamped on the bill in big, bold black ink it says, duplicate sent to mortgage company. For those that have signed up for our debit option, which is another way of paying, to let you know, and to remind you not to send me a check, that we do have you signed up for your debit option, that is also stamped right on the coupon. However, if you have duplicate sent to mortgage company, you could have recently paid off your mortgage, so, the bank will not turn down that payment, and neither will I. Because I don't know that, and that's your personal business.

Commissioner Nix: You'll take the money, huh?

Z. Tuley: I'll take the money.

Commissioner Nix: Okay.

Z. Tuley: So, we do enter into some duplicate payments in error.

President Musgrave: Mr. Fluty?

Bill Fluty: Z., you might mention the ditch bill. I think that's what Bill might have been referring to. It's a small amount.

Z. Tuley: Well, it could have been a ditch bill. That would lead in with a "D" for ditch. Most of them are five bucks. But, we do have some, and it's usually five dollars for the whole year, due and payable May 10. However, we do have some that might be \$24 for each installment, and things of this nature. That could be it also.

Commissioner Nix: Thank you.

Z. Tuley: Uh-huh.

President Musgrave: I want to congratulate you, and Bill, for getting the tax bills out on time, again. I believe we're probably still one of the only counties, if not the only county—

Z. Tuley: Few.

President Musgrave: —to bill three years in a row on time. I know that this year's delay was not of your choosing or doing, that the state legislature enacted tax legislation on, was it the last day of their session? It was the last day of their session.

Z. Tuley: Eleventh hour.

President Musgrave: Exactly. The middle of the night, just to make the calculations have to be redone. We're pleased that they did that, because it does save homeowners tax dollars.

Z. Tuley: It truly was a benefit to owner occupied homes.

President Musgrave: Yes.

Z. Tuley: It truly was. Bill and I felt every hour of that.

President Musgrave: Yes, I know you did, which is why I'm congratulating you—

Z. Tuley: Thank you.

President Musgrave: —for going the extra mile to get them out there on time. I do appreciate the tax bills continuing to be on-line, because I went on-line and just didn't even wait for your mailing and went ahead and paid mine. So, I encourage other people to do that. So, if members of the public are watching this show, I think our last showing of this session will be Sunday night at around 11:00, they still have until Wednesday to make it into the office, or to Integra to pay, but they can also just go right on-line and pay a small fee, but know that it's done.

Z. Tuley: That is the advantage of paying on-line. If you did forget, on the evening of Wednesday, May the 10th, you have until midnight. Because as long as it's, I get the confirmation that's dated, or timed before midnight, you're good.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: What is the fee for paying on-line?

Z. Tuley: It's varying depending on how much you're spending, but I can assure you, it's a lot cheaper than a ten percent penalty.

Ted C. Ziemer, Jr.: Well, I'm sure of that, but, I mean, is it a percentage of the amount of tax? Or how's that computed?

Z. Tuley: I don't believe that it is a percentage. I do have a chart in my office. I need to double check and make sure that that chart is out there on-line, but before the payment is accepted, you are notified of how much that fee will be. There is also an insert, if you pay with a Discover card. Discover card is the only one I can do this with, the fee chart is on the insert in your tax bill.

President Musgrave: Mr. Fluty, I know that the homestead filing, there's an important deadline to file for your homestead if you haven't already done so. Would you like to take a moment and explain?

Bill Fluty: Yes, the homestead normally was due, the deadline was May 10th, and that has changed to June 12th this year. This gives the homeowner an extra month for all exemptions, being it mortgage, or veterans or age. So, they have until June 12th.

Commissioner Nix: Is there a way that a person can go on-line and tell whether they've filed an exemption? Is that available out there?

Bill Fluty: You can go on-line and actually access your tax bill, and you'll see the exemption, a homestead would be \$35,000, and the mortgage exemption would be \$3,000. So, if you've lived in that home for some time, and you know you've filed, but you should have the receipts at home knowing that you've filed.

Z. Tuley: If you have filed recently, that would not be available, except through his office.

President Musgrave: It never hurts to call to check, right?

Bill Fluty: That's right. You can call. We're fielding those calls. We had a, there was an article in the paper, in the business section this week, it's a way to cut your taxes with exemptions.

President Musgrave: What's that number to call?

Bill Fluty: Let's see, I don't know my own number.

Z. Tuley: 435-5293.

Commissioner Nix: And your home number is?

President Musgrave: Well, thank you both very much.

Z. Tuley: You're welcome.

President Musgrave: Congratulations, hope all goes well.

**Burdette Park:
Permission to Award VC-05-006: Parking Lot & Landscaping
Permission to Award: VC9903-2006: Food Bids
Bike Path Route and Signage**

President Musgrave: Next is Burdette Park. We have several items for Burdette Park, permission to award two different bids. Do you want to go into detail, Mr. Craig?

Steve Craig: Good afternoon. Steve Craig, I'm the manager of Burdette Park. I would like permission to award VC-05-006, the aquatic center parking lot and landscaping bids. These bids were broken down into eight different phases, and I'm requesting that the County Commissioners award phase one through seven to ECI, Inc. Phase one was for the amount of \$30,335, flat work at the walls at the pool; phase two was \$10,728, flat work and walls at lower parking lot; phase three was \$16,700 for flat work and office parking lot; phase four was for steps was for \$6,500; phase five was \$14,700 and that was for ramps and walls at the median lot; phase six is \$11,650 for ramps and walls in the stroller ramp; and phase seven was \$14,200 for flat work and curbs at the main office. ECI, Inc. was low bidder on phases one through seven. At this time I'm not going to award phase eight, it was planning and island curbs, and if we do do this, we will do it in house.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Steve Craig: I would also like permission to award VC9903-2006, the food bids, as presented on the tabulated spreadsheet.

President Musgrave: Is there a motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Steve Craig: Okay, at this time, I would like to ask for permission to post signs on the new, proposed Riding the Riverbottoms bike trail, and permission to work with the County Attorney about the language to be used explaining the parameters and the liabilities of this approximately 40 mile bike trail. At this time, Dave Stensaas, from

the Metropolitan Planning Organization, will have a short Power Point showing the route, and answering some of the questions if you have any at this time on it.

Dave Stensaas: Greetings all. I'm pleased to be here, and I think I'm the first employee from my organization to present to this body since our name was changed from the Evansville Urban Transportation Study. I have three handouts here for the Commissioners.

President Musgrave: You're now known as the Evansville MPO.

Dave Stensaas: Yes, Metropolitan Planning Organization. This is the bike route that Steve is referring to, and my computer is kind of fluky here, so, I don't think the Power Point is going to work.

President Musgrave: In that case, could you turn the lights back on, Mr. Craig?

Dave Stensaas: Sorry about that. The packet I gave you is exactly what's in the power point. As Steve said, this is, we've got a system of routes that consist of four looped trails, two connectors, one being the main connector from Burdette Park down to the first loop on Bayou Creek Road. The loops consist of, or have mileages from four miles up to 17.7 miles. The big loop that goes around the peninsula in Union Township. We have a system of three signs. All we're going to use on that route is the three signs that you see there. The next sheet will show you a signage plan that we've developed at the MPO for this route system, with those, with basically three signs. The scheme we've come up with has this route system being signed on one side of the road with route numbers, and then on the other side of the road there would just be generic bike route signs and warning signs in strategic places. So, we've got, you know, a list here, as you can see, of the numbers of signs that we think we're going to need, at a minimum, for the routes. It's, basically, just an awareness thing, and we want to make this a safe bicycle system for the avid bicyclist. It won't be a really a system for people that are just going out, especially kids, that would just be going out from the park to ride their bikes. This is going to be, we feel like this needs to be signed for safety. It's pretty simple, and I hope you'll find that a good proposal.

President Musgrave: Well, Mr. Craig, I know that you and Mr. Stensaas worked with a citizens advisory group, and if you would like to name your members. I know that one of them includes my husband who's very excited about bicycling. He even bought me a bike rack for my car for my birthday. It was a very nice gift.

Steve Craig: Well, Bob Musgrave and John Stoll and Greg Meyer and Craig Luebke from MPO, and, of course, Dave and I. This is really exciting. It's the new trail that we are going to have between USI and Burdette. You'll be able to get on a bike at USI and drive, you know, ride 41 miles, you know, 50 miles by the time you get back.

President Musgrave: But, you don't have to ride 41 or 50 miles, right?

Steve Craig: No, there's short loops, there's long loops, but, I mean, there's the possibility of it. It will tie all of these in together. I just think it's a really big asset for, you know, the west side and Vanderburgh County in general. I just love to see us, you know, advancing with these trails and that. Like if, I think we're going to have a release on this, but we hope to have it done this summer. As soon as we can get the signs made up and that. We'll get them up, and then we'll go from there. But, this was just the first step in the USI to Burdette bike trail.

Commissioner Nix: Good.

President Musgrave: Any comments?

Commissioner Shetler: Is there a rating system to, like the stress levels or anything like that? Or to let you know the difficulty?

Dave Stensaas: Yes. Actually, the routes, the one through four are, the numbers signify the difficulty.

Commissioner Shetler: So, one being the less—

Dave Stensaas: One is the easiest, the shortest route.

Commissioner Shetler: Okay.

Dave Stensaas: While, number three isn't much longer than number two, it is substantially more difficult, because it involves a lot of hill climbing.

Commissioner Shetler: Then, do you have some kind of a brochure anticipated that might illustrate what the difficulties might, you may encounter along the way in that route?

Steve Craig: Well, we're going to have signs at the two trail heads that will have the route on it and have the levels of difficulty on there. But, that is a suggestion that we hadn't talked about yet, about having brochures available. We could put a box there, people could take them, and then they could pick out the route that they wanted to, you know, ride that day.

President Musgrave: You could put all of this on website too, right?

Steve Craig: Oh, yes, Ma'am.

Commissioner Shetler: Go ahead.

Commissioner Nix: No, go ahead.

Commissioner Shetler: Well, I don't mean to commercialize this or anything, but it's a possibility, I guess, of going to the bike distributors here in town and stuff, and see if perhaps they would want to do a brochure like that, and, you know, put their tag on it somewhere. It wouldn't cost us anything then. You know, maybe that's something that we need to seek proposals, I don't know, but anyway, it seems to me that that might be a worthwhile project for them, and it would be advantageous to us to have it as well.

Steve Craig: We will be out soliciting.

Commissioner Nix: One other thing too, I was just curious, has there been any discussion about putting some kind of mile markers, or tenths of a mile, or something like that? Just for the sake of how far I've gone, or how far I'm going to be before I get to the other end.

Commissioner Shetler: You see, Bill and I are over 50. That's why we're working on this stress level thing. We want to know how much further I've got till the end.

Commissioner Nix: Or can I really make it all? Pardon me?

Steve Craig: The whole route will have mile markers.

Commissioner Nix: Good, okay. Tenths, or halves or something like that?

Dave Stensaas: Well, we talked about having a mark every mile either on the pavement or with signage. It's pretty costly. So, I don't know how that's going to shape up.

Steve Craig: It will probably be mile markers. We had talked about putting some kind of stencil on the—

Commissioner Nix: Pavement?

Steve Craig: Yeah. Maybe painting it, but they do sell some kind of plastic ones that I think attach too.

Commissioner Nix: A lot of these I've seen they've just got a has mark and then just a number, you know, just painted right on the road. Just a suggestion.

Steve Craig: We will mark it so you know when it's time to turn around and go back home.

Commissioner Shetler: Yeah, thank you.

Commissioner Nix: Or know that I need to keep going because it's farther going back the other way.

Commissioner Shetler: Yeah, that's right.

Steve Craig: The point of no return.

President Musgrave: Well, Mr. Craig, I know that this was a brain child of yours, and grew out of some of the meetings for the Greenway and the grant that the Commissioners applied for, and that this network of bike routes will be supportive for our grant applications, because being, the bike path between USI and Burdette they said had a better chance of receiving grant funds if it was part of a larger network. That started Mr. Craig thinking well how can I make a larger network spending almost no money? And, here it is. We've spent almost no money. We're using city-county sign department and workers to get this going. The County Attorney will have to, we're going to have him test all the routes, along with approving the warning language.

Ted C. Ziemer, Jr.: I can do that.

Steve Craig: Bill and I had attended a meeting where Ray Irwin, he is the, I guess you would call him the bike and trail guru of Indiana now. He was just appointed.

Commissioner Nix: He's part of INDOT too.

Steve Craig: Yes. He came up with some excellent suggestions. One of them was that, and we ran with it. I think for minimal dollars we will have, you know, miles and miles of bike trails for the people in the tri-state to enjoy.

President Musgrave: Congratulations. I think we have to have a motion to approve his two requests.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: Dave, do you have an extra brochure for the record?

Dave Stensaas: Yes.

President Musgrave: Okay, moving on to department head reports. Mr. John Stoll, County Engineer.

County Engineer

John Stoll: I've got two items. The first is to request approval for a notice to bidders for the concrete street repair contract. This is for work in Green River Estates, Old State Subdivision, Oglesby Estates, and Shady Hills Subdivision. This will be requesting approval to advertise, and then we would open bids on May 16th.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Right now, the estimates on the repairs we're looking at in that contract is several hundred thousand dollars. Depending on what those bids come back at will dictate whether or not we can do a second follow up contract later in the summer. But, if there is sufficient money, we might be able to do that.

Commissioner Nix: And we've got some areas prioritized that we need to get on first. I mean, we'll work it that way, is that correct?

John Stoll: Yes.

Commissioner Nix: Okay.

John Stoll: A lot of this work carries forward from last year, plus it's also picking up the worst parts that we've seen this year.

Commissioner Shetler: Are we noticing any real significant increases in prices like asphalt? I know that asphalt's more tied to the fuel, but I didn't know if concrete is kind of lagging with that or not.

John Stoll: Since we haven't taken the bids yet, I'm not sure. I think we pay in the neighborhood of \$200 a cubic yard for the concrete patching last year. But, as far as what kind of trend that is, I'm not sure off the top of my head.

Commissioner Nix: And that's placed. That's not purchased concrete.

John Stoll: Yeah. The other item that I have is a street plan approval request for Cayman Ridge Subdivision. This is section two of that subdivision. This subdivision is located on Kansas Road west of Highway 57. Section two only involves a small several hundred foot segment of the roads in that sub. Basically, they did a replat of several lots, and what once was two dead end streets is now being connected to make a continuous road. On the preliminary plans it was identified as road ten. I've reviewed the plans and request approval of the plan.

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've got any questions about anything.

President Musgrave: No.

John Stoll: Thanks.

Commissioner Nix: Thank you.

County Highway

President Musgrave: Does the County Highway garage have anything further? I do not see them.

Burdette Park

President Musgrave: Mr. Craig, do you have anything further? He appears to have also left.

County Attorney

President Musgrave: Mr. Ziemer, do you have any report?

Ted C. Ziemer, Jr.: I do have. We have been negotiating and advertising and so forth with Mr. and Mrs. James Riger, at their request, to purchase property at 5000

Bayou Creek Road, which is owned by the county. We have a closing statement, a quit claim deed, and a sales disclosure form that need to be executed in order to have the closing on that sale, which will be for \$2,682.20.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: No, are you going to cover the economic development funds as a separate item?

President Musgrave: That's next. Let me make sure that I have not missed any department head who had a report. Then we move now to new business.

New Business

President Musgrave: I have been working closely with Councilman Lloyd Winnecke, and economic development members in our community about relocating an existing business within Vanderburgh County. Brake Supply is needing to move it's current location at Fulton and the Lloyd because the state has decided to expand the highway right through their building. They began looking at locations in Henderson and Warrick County and Vanderburgh County. I would like to ask the Commission's approval to make an incentive grant to Brake Supply for up to \$60,000. I've been informed that the Indiana Economic Development Commission has approved a \$59,000 grant to Brake Supply, and both of these sets of grants are to make infrastructure changes to the lots in the Vanderburgh Industrial Park that Brake Supply needs in order to locate their new headquarters there. It consists of moving a ditch, lowering a berm, relocating the entryway, the curb cuts for the entryway, also reconfiguring the drainage pond. This is what those grants would cover. Brake Supply has not made a final decision yet, but this offer from the Commissioners would be in the form of an incentive to make that decision to keep all of those couple hundred jobs here in Vanderburgh County. So, I would like to open that up for discussion, or a motion.

Commissioner Shetler: Do we have it in the budget, I guess, first of all?

President Musgrave: Yes, we do, sir. Economic Development money in a line item, that number of which I cannot recite to you.

Commissioner Shetler: Do you know how much money is in that account, and how much money has been set aside for doing economic development?

President Musgrave: It's riverboat development funds. Mr. Fluty, can you assist me in that?

Bill Fluty: I believe, \$500,000 is put in there normally every year.

Commissioner Shetler: Have we used any of that money to date?

Bill Fluty: I would have to look back to see what you have used?

President Musgrave: Not that I'm aware of.

Commissioner Nix: I was going to say, if we have, it hasn't been much. This is for improvements of the infrastructure on the property itself?

President Musgrave: That's correct.

Commissioner Nix: It's not actually improvements to their facility and all?

President Musgrave: It is making it possible for the company to locate there. Vanderburgh County suffers in comparison, for example, to Warrick County as a possible location site, because all of Vanderburgh County tax rates, I believe, are higher than Warrick County. So, for us to be able to attract someone from Warrick County, we really need to push. So, it's not a given that someone would locate here, versus somewhere else. Economic incentives are part of the package of tools that we have to try to make those good things happen for our community.

Ted C. Ziemer, Jr.: Madam President, I think, for the record, if you approve this, it would be, the logistics would be the establishment of a subset of the economic development funds for up to \$60,000 for this improvement, and as the improvements are made, claims would be submitted against that fund.

President Musgrave: Right. So, authorizing the monies today just moves it into a location where it could be spent for this purpose.

Commissioner Shetler: Have we done this before? Do we have any history of action?

President Musgrave: My understanding is yes, but this Commission has not. This will be our first action. Is there a motion?

Commissioner Shetler: County Council's feeling on this?

President Musgrave: I worked very closely with President Winnecke. He was present with me at all the discussions, and he is very supportive.

Commissioner Shetler: And has he been in tune with other members of Council on that?

President Musgrave: It's my understanding, but you'll have to inquire from him.

Commissioner Shetler: Okay. Well, I mean, Brake Supply has been around for a long, long time. They once were located on the east side, moved to the west side where they are now, several years ago. It's a very successful company. I know they have operations in the west and Wyoming and have done a great service to our community. I don't know exactly how many they employ, but it's got to be 150 to 200 people. A fairly large tax base. And the request is up to \$60,000, and it's to go

towards infrastructure projects, that's actually part of that Vanderburgh County Industrial Foundation site?

President Musgrave: That's correct.

Commissioner Shetler: So, it's properties there and stuff that we've had several other businesses go into in the past.

President Musgrave: Not enough. We have plenty of lots for sale, and we would really like to move them. I'm very encouraged that someone is trying to buy some.

Commissioner Shetler: I would make the motion that we submit up to \$60,000 towards enticing Brake Supply to stay in Vanderburgh County and keep those jobs here.

President Musgrave: And I understand that you're going to abstain, as you are an employee of one of the contractors who submitted some of the site alteration bids.

Commissioner Nix: That's right.

President Musgrave: So, I will second the motion. Is there any further discussion? All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. Abstain?

Commissioner Nix: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: May we make a quick tape change?

President Musgrave: We can make a quick tape change.

(Tape change)

Madelyn Grayson: Thank you.

President Musgrave: For the record, you did wonder how many employees that they have, they have 165 full time employees, and that's their estimated number for 2007. Their sales in 2005 were \$30 million. I will submit for the packet this information that gives more detail about Brake Supply and what they were doing. Commissioners, I had hoped that we would have ready for vote today the awarding of the Baseline Bridge, but it looks like we need to have a little bit further inquiry into that. So, I would like to have a special meeting on May 3rd at noon here in these chambers to award, for the sole purpose of awarding the bid for Baseline Road.

Commissioner Nix: That bid is just for the engineering phase?

President Musgrave: Just for the engineering.

Commissioner Nix: You say it's 12:00 noon on the 3rd of May?

President Musgrave: That's right.

Madelyn Grayson: Does that require legal advertising?

Ted C. Ziemer, Jr.: It doesn't require legal advertising, but notice has to be given 48 hours, not including weekends.

President Musgrave: Do we need to vote on that, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you. Go ahead. Before we move to that, the Baseline Bridge project, for those that don't know, I think this is very exciting, even though I don't think this is in my district, isn't this in your district?

Commissioner Shetler: I think it sounds familiar to me.

Commissioner Nix: Again.

President Musgrave: Yeah, this is an overpass over the CSX railroad tracks at Azteca on Baseline Road. I know that the folks who live out there have wanted this for a long time, because there are trains that park on those tracks, and you can't use the road at all. I personally did that one evening, and then I thought I could, you know, I got to the train tracks and there's a train and it was just stopped, wouldn't go anywhere, and I decided that I would just go north to find....well, I ended up in some other county on a gravel road, and I'm sure that they still laugh at the 911 call tape that I made trying to get my way out of there. We finally had to use the moon and the position and the wind of it I needed to turn. So, I can hardly wait for a bridge over Baseline Road CSX tracks. Although, I would prefer that CSX not park their trains on them. Commissioner Shetler, you have some other new business.

Commissioner Shetler: I do. This is tentative, because I've not actually heard back from City Council to see if they've gotten it all approved with their members, but tentatively, and if the Commissioners can make it, we're setting up a joint City Council-County Commissioner public hearing with regard to the smoking ban ordinance. That first meeting is scheduled for May 18th at 5:00 p.m. right in these chambers. I believe that meeting will be conducted more underneath the City Council's framework, so, they'll be providing the recording secretary, etcetera. There will be another follow up public hearing on—

Commissioner Nix: Excuse me, before you get, what time is that?

Commissioner Shetler: I'm sorry, 5:00. Five to seven is what that's scheduled, on the 18th in this chamber. Then on the 23rd, that is a, Tuesday the 18th being, is that a Wednesday, Thursday?

President Musgrave: It's a Tuesday.

Madelyn Grayson: May 18th is a Thursday.

Commissioner Shetler: May 18th is a Thursday, and May 23rd is a—

Madelyn Grayson: Tuesday.

Commissioner Shetler: —Tuesday. The May 23rd is going to be scheduled at 6:00 to accommodate our schedules a little better. That will be conducted by the County Commissioners, and the City Council will be joining us at that time. That meeting will be held at the 4-H Center. That facility has been cleared and taken care of, and we will need a recording secretary, someone there for since it's going to be held in the county.

President Musgrave: Will it be at the 4-H Center or in the roller skating rink?

Commissioner Shetler: This will be at, I believe it's at the place at the top of the hill, from what I understood.

Commissioner Nix: As you come in on the right then?

Commissioner Shetler: When you come in up on the right, yes?

President Musgrave: Okay, we'll say for sure on our....because I know that they've gone back and forth. There are better acoustics at the roller arena than at the other place. You don't have any problem—

Commissioner Shetler: I don't have a problem with either one.

President Musgrave: Okay, so, we'll check and see.

Commissioner Shetler: Okay.

Ted C. Ziemer, Jr.: The only comment that I would have, I have received copy of the proposed form of the ordinance from the City Attorney, and I know that, Commissioner Shetler, you've been sitting in those meetings, our belief, I mean, what my plan is going to be is to prepare an ordinance which trails the city ordinance, unless I receive instructions from any Commissioner that any part of the city ordinance is not satisfactory to them. So, you might be taking a look at that and let me know. I mean, so, I'll be looking at it from a legal perspective, and if any substantive provisions you have thoughts on, you need to let me know.

Commissioner Shetler: Along those lines, I would like to see us have it entered for first reading anyway, I think, on the 16th, or is it the 17th?

President Musgrave: The 16th, yeah.

Commissioner Shetler: The 16th is a?

Madelyn Grayson: Tuesday.

Commissioner Shetler: Okay.

President Musgrave: That's our next meeting.

Commissioner Shetler: Yeah, the next meeting. Okay, the 16th then, that we, if we could have that prepared and ready for at least first reading at that time.

President Musgrave: Okay.

Commissioner Nix: With the understanding that the second reading may not take place until some time in June, or whenever we get the wrinkles worked out.

Commissioner Shetler: Yeah, what we're thinking right now is that have the two public hearings, if it looks like there is a need for additional public hearings and input from the public, then that may happen in the early part of June. Then, of course, we may be making some changes to that original first reading or draft that we have, and be making amendments to that at that point. You know, that may be expected.

President Musgrave: I have just a technical question, because we'll be meeting as a body, Mr. Ziemer, do we need to have full minutes taken for the Commissioners?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: So, at both meetings we will have to have full minutes taken.

Commissioner Shetler: So, we should have recording at both?

President Musgrave: Yeah, if that's—

Commissioner Nix: Okay, now, it's my, but you said though that the city was going to take care of the first one?

Commissioner Shetler: The city was going to take care of the first.

Commissioner Nix: And that's acceptable?

Ted C. Ziemer, Jr.: That's acceptable.

Commissioner Shetler: That is? Okay.

Madelyn Grayson: We may need to get with the IT Department or something to kind of go and check out that facility and see what's available or what could be set up.

President Musgrave: I do know that the acoustics in the smaller facility out there, the roller rink are better, but I'm not sure about the recording equipment in either place. There is no problem with us televising our meetings, especially the one that will be held in this chamber on May 18th, is there?

Commissioner Shetler: I brought that up, and there didn't seem to be. There was no one that objected to that.

President Musgrave: Alright, and, I guess, since it's our policy, we'll pay for that televising. That would come out of our budget. No issue with that? How exciting.

Commissioner Shetler: Maybe we could get that split.

Commissioner Nix: Why don't you work on that, Commissioner.

Commissioner Shetler: There's three of us and nine of them. So, that would be 25 percent. I think that's fair.

Commissioner Nix: They've got a lot more money than we do, right?

President Musgrave: Yeah, I'm sure. Okay, so, I don't think we need a motion on any of those. So, at this time we're looking at May 18th at 5:00 p.m. , that's a Thursday in these chambers. May 23rd, a Tuesday, at 6:00 p.m. at the 4-H Center, and we're still working out whether it's at the building at the top of the hill, or at the roller arena. That will be in, I guess, the press releases that come out.

Commissioner Shetler: Yes.

President Musgrave: Both those sessions are expected to last, is it two hours?

Commissioner Shetler: Two hours, that's correct. 6:00 to 8:00 on the 23rd, and 5:00 to 7:00 on the 18th.

President Musgrave: Does anyone need to do anything other than show up and sign up on a list in order to speak?

Commissioner Shetler: No, I don't think so.

President Musgrave: Okay. Will there be a time limit? Has that been determined?

Commissioner Shetler: That hasn't been determined.

President Musgrave: Okay.

Commissioner Shetler: I would say we probably will. I'm not sure what the city would do, but I think it would probably be wise for us to put something in the five minute vicinity. Or whatever.

President Musgrave: Okay. At our first reading on the 16th, is it customary to have public comment at that time? Or is it just read into the record?

Ted C. Ziemer, Jr.: You may, that's your choice.

Commissioner Shetler: I think we wait till, I guess, to see, to feel it out.

President Musgrave: Okay.

Commissioner Shetler: Let's see what happens.

President Musgrave: Okay. Then on the 16th, our meetings are as usual at 3:30. Is there any other new business?

Old Business

President Musgrave: Or old business?

Public Comment

President Musgrave: We've come to the moment in our agenda when it's time for public comment. Is there any member of the public here who wishes to make a comment about Commission business this evening? I see Mr. Kincaid. Welcome.

Johnny Kincaid: You will be happy to know this isn't about the smoking ordinance, okay?

Commissioner Nix: Sure.

Johnny Kincaid: I'm wearing a different hat today. My name is Johnny Kincaid, and I am here representing the EVSC and their school community council and Healthier Evansville, which that week kicks off this Sunday. We just wanted to make sure that you're aware of Healthier Evansville Week. We have a website, which is www.healthierevansville.org where people can go and register. There are activities, the whole idea is to help educate the community more on the issues of diet and nutrition, physical activity, as well as healthier choices. So, there are just an abundance of different activities that are taking place, including walks downtown at lunch time every day next week, and so we want to encourage people. That's sponsored by the Vanderburgh County Health Department and Welborn Clinic. One of those walks, next Wednesday, will be led by Mayor Jonathan Weinzapfel. On Thursday, for anybody who wants to hang out with me, I will be leading the walk on Thursday. So, just wanted to make you aware of it. The kick off is at Washington Square Mall from 12:00 till 5:00 this Sunday. It ends on Sunday, May 7th with a two mile fun walk/run and activities for the whole family at Garvin Park. The walk starts at 1:00.

President Musgrave: Thank you.

Johnny Kincaid: I also have Healthier Evansville buttons for all of you.

President Musgrave: I would love to have one.

Commissioner Shetler: I might suggest that next Tuesday, May the 2nd, they could be healthy and do their civic duty by go walking to the polls and voting for their favorite candidate too. So, I'll point that out.

President Musgrave: I did just come from an economic development press conference where they were noting that the health of Indiana was one of the economic development issues that we face. That companies wanting to locate in Indiana were concerned about our high health care costs. So, get out and walk, and as you said, to the polls.

Update on May 2, 2006 Primary Election

President Musgrave: I'm glad you brought up the election. The election will occur May 2nd, which is between now and our next meeting, and the County Clerk did ask us to encourage people to bring their government issued photo I.D. with an expiration date to the polls. Your drivers license is the best example of this government issued photo I.D. with an expiration date, but a passport will also do. You can call the Clerk for other examples. But, I'm going to urge you, just on my own, go vote absentee at the Civic Center now. There is no line, if you forgot your

I.D. you have time to go home and get it, if you don't have one, you have time to go acquire one. This is a good thing to do, to vote here in the Civic Center. It's kind of the hand holding way to vote, and the parking is pretty accessible out front, now that they've redesigned it. So, she did want me to let everybody know that the election is on May 2nd, to bring your I.D.

Commissioner Shetler: Of course, my reminder could have been construed as a little self serving, but that's alright.

President Musgrave: That's right.

Commissioner Shetler: They can go with that.

Consent Items

President Musgrave: We have a number of items on the consent agenda. Is there a motion to approve?

Commissioner Nix: I need to have that amended to, on the second sheet it says jail construction pay applications. There are none. There is one performance bond that we want to release to ARC Construction on the Community Corrections facility. I will get with Mr. Lawrence on that. So, if we could have that amended. Yes, that is a motion.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is there a motion to approve the amended consent items?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I believe that concludes this evening's meeting, if there's a motion to adjourn.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

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

CONSENT ITEMS:

Employment Changes:

Circuit Court (1)	Auditor (1)	County Clerk (1)
Prosecutor (1)	Knight Assessor (1)	Surveyor (1)
Burdette Park (6)	Health Department (2)	

Travel Requests: Commissioners (1)

Burdette Park:

Surplus letter: computers, copier.
Hiring permission request.

Circuit Court: Surplus letter: chair.

Auditor: Financial statement: April 2006.

Commissioners:

Taxpayer comments on smoking ordinance.
Curran Miller auction letter.
Cinergy phone service installation and materials agreement. (County Engineer)
Evansville Police Department: Use of Centre-waiver of fees, not overtime
Jail Construction: Performance Bond Release: ARC Construction: VCCC
Department Head Meeting notes: 4/18/06.

County Clerk: Monthly reports: October through December 2005.

Treasurer: Monthly report: March 2006.

Weights and Measures: Monthly report: March 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Norma Duckworth	Mike Duckworth	Matt Arvay
Z. Tuley	Steve Craig	Dave Stensaas
John Stoll	Johnny Kincaid	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
SPECIAL MEETING
MAY 11, 2006**

The Vanderburgh County Board of Commissioners met in special session this 11th day of May, 2006 at 9:32 a.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Call to order the May 11th special meeting of the Board of Commissioners. We'll start with introductions.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

**Award Engineering Design Agreement: Baseline Road Bridge:
American Consulting**

President Musgrave: There's only one item on today's agenda, and that is the approval of the engineering contract for the bridge over Baseline Road. Is there a recommendation from the engineer?

John Stoll: Yes, I would recommend that you approve the contract with American Consulting. It's for an amount of \$198,800. This will cover the design, as well as the right-of-way. The prices for the right-of-way are based on the assumption that four right-of-way parcels will be in there. So, adjustments could be necessary, if there are more than four parcels affected. But, right now they assumed four, and that's how the numbers were arrived at. So, I would recommend that the contract be approved. It has been reviewed by the County Attorney, and everything's okay.

President Musgrave: Mr. Ziemer, you reviewed the contract, with the exception of the possibility of additional right-of-way purchase, was there any reason to believe that this contract would exceed the amount so stated?

Ted C. Ziemer, Jr.: None that I saw.

President Musgrave: Okay.

Commissioner Shetler: Okay, the appropriation we received from County Council was \$200,000?

John Stoll: Yes.

Commissioner Shetler: And this is \$198,800?

John Stoll: Correct.

Commissioner Shetler: Did that appropriation also include the right-of-way buy as well? Or was that just engineering?

John Stoll: That was just engineering. We will have to go back for additional appropriations for the actual right-of-way purchases, the construction costs and any fees associated with CSX review. We'll probably have to get that filed here shortly, in order to make sure that CSX conducts their review in a timely manner. So, there will be additional appropriations. All we've covered to this point is the engineering side of things.

Commissioner Shetler: The \$198,800 though, includes some right-of-way buying?

John Stoll: That includes the preparation of legal descriptions, appraisals, and right-of-way buying services—

Commissioner Shetler: Not the actual purchase itself?

John Stoll: —not the parcels, correct.

Commissioner Shetler: Okay, alright. So, we don't have a whole lot of give in there, but we have some.

John Stoll: Right. If additional parcels were acquired, we would have to go back and get additional appropriations. They, I don't remember exactly what the fees were per parcel, but they would be adjusted at the same per parcel price that's in the agreement that you have before you.

Commissioner Shetler: Alright.

President Musgrave: Does the contract include the notice to proceed? Is that given today as well?

John Stoll: I'll give it, and mail a copy of the agreement to the consultant as soon as it's signed and notarized.

President Musgrave: I know in their presentation they made a lot of reference to a railroad underpass project that they had, was that Ft. Wayne?

John Stoll: I can't remember what town. I know it was in northern Indiana.

President Musgrave: But, they're experiencing fast tracking. The railroad underpass was one of the key things in my mind that I'm looking for them to achieve in this, fast tracking, getting this thing so that we can bid it out for construction. I think it was October, November that they were looking to be done with their drawings and all the stuff we needed to go out for the bid.

John Stoll: I know it was later this year. I can't remember the specific month. And, here again, like all projects, it will probably hinge more on right-of-way and utilities than anything. If that goes smoothly, then they should be able to hit those target dates that they had established.

President Musgrave: Okay.

Commissioner Shetler: John, we put requests out for several, on different projects, but, on this specific project, about how many engineering firms did we actually hear from?

John Stoll: I thought there were about ten. I don't remember the exact number. It was probably eight or ten.

Commissioner Shetler: American Consulting, their \$198,800, that fee, when all is considered, is that more towards the bottom of the fees that we received, or towards the top or about average?

John Stoll: I would say it's about average. The proposals themselves did not establish a price for their services. We got the prices through the interview process. I would say they were probably in the middle of the pack as far as the prices go, based on what we heard from the presentations.

Commissioner Shetler: And we've had other experience with American Consulting in the past? Other projects that they've done?

John Stoll: Yes.

Commissioner Shetler: Okay. Could you cite those?

John Stoll: I was going to say, they did the inspection, construction inspection on the Mt. Pleasant Road project, they did the design on the Stockwell Road culvert and, the culvert under Stockwell Road and underneath Norfolk Southern Railroad, and they also did the construction inspection on the Burkhardt and Morgan intersection project several years back.

Commissioner Shetler: Alright, and the experience working with them was?

John Stoll: We had a positive experience on each of those projects.

Commissioner Shetler: Alright.

Commissioner Nix: We've had a couple of architectural projects that we've worked with them on too, and had good luck with them on that, so.

Commissioner Shetler: Alright, thank you. I'll move that we accept the contract.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Commissioner Shetler, I know you wanted to touch on the dates of the smoking hearing.

Update on Smoking Ban Ordinance Public Hearings

Commissioner Shetler: Yeah, not any new business, but just to reiterate what we've spoken about in the past, the smoking ordinance hearing will be held here in the City Council chambers, again, I think that was the 18th, that being a Thursday evening from 5:00 to 7:00. That will be conducted by the city. I believe Steve Bagbey, the City Councilman in the second ward will be officiating at that meeting. Then we'll somehow get incorporated with our people here as well. The 23rd, the meeting will be held at the 4-H Center. Have we decided which room?

President Musgrave: The auditorium.

Commissioner Shetler: It will be in the auditorium? Okay. That meeting will be from 6:00 to 8:00 to give us enough time, because that's a Tuesday evening, and give us enough time to leave our Commission meeting and go to the hearing. That meeting will be conducted by the Commissioners. So, I'm expecting a good turn out. I'm expecting a lot of questions, and people that are concerned about it on both sides of the issue. As you know, I went to Lexington on the inter-city visit with the Chamber this past couple of days, and you would have thought that I had written the script, because every one of the groups, the first things nearly out of their mouth was the most positive things happening to Lexington-Fayette County today is a result of our smoking ban, this or that, and then someone else would come in and say the best thing we've done is the smoking ban, someone else would come in, the smoking ban is a good thing, look at doing that in your community. I can't tell you how positive that reaction was time and time again. So, there was few hiccups when they first began the process, but it's been smooth sailing since, and businesses are rallying around it.

President Musgrave: I did give a presentation at the Evansville Bar Association's mock trial law day, and the room was full of about 250 students from area high schools, and Dennis Beadels, as you know he's the superintendent of some department at the EVSC, asked the students to stand if they favored the smoking ordinance as proposed. It was my estimation that roughly 90 percent of the students in the room, and these are our future, stood to express their support for this. So, I want to also say that if you're not able to come to either of the two meetings that Commissioner Shetler referenced, we have been receiving a lot of e-mail. We welcome your e-mail here at commissioners@vanderburghgov.org. We have been including those in the official minutes of the Commission meeting for the past several weeks. We would encourage you to write us a letter. We would like all of your comments in writing, if you don't have e-mail. You are also welcome to attend our regular Commission meeting and come up during the public comment time, if you are not able to attend the two meetings that Commissioner Shetler outlined. Commissioner Nix, do you have anything further?

Commissioner Nix: No.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

**Vanderburgh County
Board of Commissioners
Special Meeting
May 11, 2006**

Page 5 of 5

President Musgrave: All those in favor?

Commissioners: Aye.

(The meeting was adjourned at 9:40 a.m.)

Those in Attendance:

Cheryl Musgrave

Bill Fluty

John Stoll

Bill Nix

Ted C. Ziemer, Jr.

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

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
MAY 16, 2006**

The Vanderburgh County Board of Commissioners met in session this 16th day of May, 2006 at 3:34 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good afternoon. We'll call to order the May 16, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions to my 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.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in our Pledge of Allegiance?

(The Pledge of Allegiance was given.)

**Approval of the April 25, 2006 Commission Meeting Minutes &
the May 11, 2006 Special Commission Meeting Minutes**

President Musgrave: We have two sets of minutes, April 25, 2006 for a regular meeting and May 11, 2006 for a special meeting to approve.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The special meeting was to award the Baseline bridge contract.

**Permission to Open Bids/Quotes:
VC06-05-01: Old State Road Bridge #1583 Rehabilitation
VC06-05-02: Concrete Repair of Various Roads
VC06-05-03: Schmuck Road Culvert #659 Replacement**

President Musgrave: We have several action items. Is there a permission to open the bids/quotes as listed on the agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: You may now begin opening those bids and quotes.

County Health Fair: May 17, 2006 at the Centre

President Musgrave: County Health Fair, May 17th at the Centre, 9:00 a.m. to 2:00 p.m., Gary Heck of the Health Department is here to describe the health fair. Or he should be here.

Gary Heck: Thank you. Gary Heck, Vanderburgh County Health Department. Tomorrow at the Centre, the city-county employees are invited to the annual health and fitness day. We have, it's going to be from 9:00 a.m. to 2:00 p.m. There's going to be over 20 booths, several screenings. This is a great opportunity for any of the employees of the city and the county to get screened for any of the different health issues that they could be faced with. We certainly hope that they have the opportunity to come and participate. Several things including; cholesterol screening, blood pressure screening, body fat composition, back care, free neck, shoulder and feet massage. There's more chairs this year, because that was a very popular one last year. Bone density screenings, there will be information about cancer, vision screenings, mental health, and a health risk appraisal, nutritional information, and tons of health education. So, we hope that people will come. There will be drawings. We have sponsors available, so there will be door prizes that are also available. So, we just hope people have the opportunity to take advantage of this free fair.

President Musgrave: Now, is this open to city and county employees only?

Gary Heck: City and county employees is who it's primarily set up for, but if somebody else were to sneak in, I guess, we wouldn't stop them.

President Musgrave: Okay. Thank you. I know that this has a positive effect on our county insurance costs as well.

Air Quality Awareness Week Proclamation

President Musgrave: Also from the Health Department, we have Ms. Joanne, or Dr. Joanne Alexandrovich here with an ordinance, I'm sorry, air quality awareness week proclamation.

Joanne Alexandrovich: Thank you. I'm Joanne Alexandrovich, also with the Health Department. I'm here tonight to ask the Commissioners to proclaim this week air quality awareness week in Vanderburgh County. It's actually the first official air quality awareness week. It's promoted by USEPA and NOAA, in part to help us publicize the fact that we have air quality forecasts available across the nation on a daily basis. It's part of the Air Now program, and we are one of the partners. The proclamation that I'm asking you to consider recognizes the cooperative efforts of

many aimed at improving air quality and protecting public health. It also recognizes that we do have more work to do. Finally, I would like to note that this is a joint proclamation between the city and the county recognizing that cooperation as well. Would you like me to read it?

President Musgrave: Go ahead.

Joanne Alexandrovich: Okay;

“Whereas, the City of Evansville Environmental Protection Agency and the Vanderburgh County Health Department work cooperatively with the Indiana Department of Environmental Management, the United States Environmental Protection Agency and the National Atmospheric and Oceanic Administration to monitor and forecast air quality every day of the year in order to protect public health and the environment; and, Whereas, air quality forecasts are made available through Air Now, IDEM’s SmogWatch, the City/County website, and through weather information providers; and, Whereas, the interaction between meteorology, atmospheric chemistry, and man made air polluting emissions sometimes creates air quality conditions that are unhealthy for sensitive groups, thus when air quality degrades, the EPA and the Health Department announce Air Quality Action Days (Ozone or Particulate Alerts) and ask that residents to voluntarily take additional steps to reduce emissions; and, Whereas, Vanderburgh County has recently been redesignated to attainment for ozone, yet may occasionally experience ozone levels the USEPA considers unhealthy for sensitive groups; and, Whereas, Vanderburgh and other counties in Southwestern Indiana do not meet the National Ambient Quality Standard for fine particulate matter so additional efforts must be made to reduce emissions. Therefore, be it resolved that I, Jonathan Weinzapfel, Mayor of the City of Evansville, jointly with the Vanderburgh County Board of Commissioners, Cheryl Musgrave, Bill Nix, and Thomas Shetler, Jr., do hereby proclaim May 15-19, 2006 as Air Quality Awareness Week in the City of Evansville and Vanderburgh County, and ask that residents reduce air polluting emissions wherever possible and recognize the efforts of local businesses and industries, special interest groups, the media and governmental agencies to improve air quality for public health purposes, general quality of life and the environment.”

President Musgrave: Thank you very much. We have all signed the proclamation, if you would like to go ahead and take it, just as long as you give us back a copy, I think that would be fine. I understand the Mayor’s office is going to be e-mailing this out to all the appropriate people.

Joanne Alexandrovich: Thank you very much.

President Musgrave: So, here you go.

**First Reading of Ordinance: CO.05-06-009:
An Ordinance Establishing Non-Smoking Areas**

President Musgrave: Alright, we move on to another air quality matter. Commissioner Shetler, would you like to introduce the ordinance establishing non-smoking areas?

Commissioner Shetler: Yeah, County Ordinance 05-06-009 is an ordinance establishing non-smoking areas. This is the first reading. Basically, I guess, we have to have roll call vote on that today entering it, and then we will be having public hearings this Thursday, in this particular chamber, that's May the 18th, from 5:00 to 7:00, and then we will have a second hearing on May the 23rd, that's a Thursday, I mean, I'm sorry, a Tuesday at the 4-H Fair Center, in the auditorium, from 6:00 to 8:00. I would be happy to answer any questions about it.

President Musgrave: The information, the ordinance itself, and the hearing date information is available on the city/county website, vanderburghgov.org. If you are interested in having your comments be part of the public record, you must come to one of those two meetings, or submit something in writing. So, is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I'll do a roll call vote now. Commissioner Shetler?

Commissioner Shetler: Aye. Yes.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. So, hopefully, we'll see you at the two public hearings.

Commissioner Nix: And writing can be by e-mail or mail, either one, to the Commission office. So, just so, there are some people that don't have e-mail out there.

President Musgrave: Our e-mail address, for those who do, is commissioners@vanderburghgov., vanderburghgov, I'm sorry.

B.J. Farrell: Commissioners@vanderburghgis.com.

President Musgrave: Okay, I thought we had a second one as well. Our address is 1 NW Martin Luther King Jr. Blvd, Evansville, Indiana, 47708.

**Burdette Park: Lease Agreement with David Austill
Commissioners: ACS: Contract Extension
Commissioners: Curran Miller Auction Contract (Safe House)
Health Department: Consulting Services Contract: Tim Thompson
Health Department: Business Associate Contracts: DMD, Envirokinetics,
Memorial Baptist Community Development Corporation & JWA Media**

President Musgrave: We have several contracts, agreements and leases on the agenda. They are all listed. Is there a motion to approve all of those? Or separate any out?

Commissioner Nix: So moved, all of them, please.

Commissioner Shetler: Second. I do have a question. On the Curran Miller auction, did they go out and look at that?

B.J. Farrell: We will actually be taking an inventory of all items tomorrow. I am meeting with them to do that.

Commissioner Shetler: Okay. Will they be giving us some kind of an appraisal of how much expense is going to be involved? Because, I noticed here that it says they're going to receive not only 15 percent of the profit, but the county would have to incur the expenses as well.

B.J. Farrell: There would be expenses on advertising, but the county can designate a county employee to be the cashier, and we would not incur that expense.

Commissioner Shetler: What about any laborers they have to help separate or set things up, or get things out of the building to some place else?

Ted C. Ziemer, Jr.: That's covered by their commission.

Commissioner Shetler: That's covered by their commission, okay, because here it says that those are kind of two separate things.

B.J. Farrell: We will also have workers out there from, that we use periodically, community service workers.

Commissioner Shetler: Okay.

B.J. Farrell: We've got that scheduled.

Commissioner Shetler: Alright, thank you.

President Musgrave: So, we have a motion and a second. Any further discussion? All those in favor say aye.

All Commissioners: Aye.

President Musgrave: The motion carries. Health Department, I think we, was your motion for all of the contracts?

Ted C. Ziemer, Jr.: Pardon me, I just, you know, when I open these things I lose track of what you're doing. Have you just done one contract, or did you do all the contracts?

President Musgrave: That was just my question to Commissioner Nix?

Commissioner Nix: That was for all of them, yes.

Ted C. Ziemer, Jr.: So, we've done Burdette Park, we've done the ACS contract extension and the Curran Miller auction contract?

Commissioner Nix: That's correct.

Ted C. Ziemer, Jr.: Thank you.

President Musgrave: And the Health Department contracts?

Commissioner Nix: Uh-huh.

President Musgrave: Okay, those were in there as well.

County Engineer

President Musgrave: We move into department head reports. County Engineer, John Stoll?

John Stoll: The first item that I have is a request for your authorization for me to sign off on an inspection report that Bernardin Lochmueller and Associates did for the Allen's Lane bridge. This was, this inspection report was part of their contract, as far as going out and evaluating the condition of the bridge, and then coming back with a recommendation as to what kind of repairs we need to get done. They came back with saying we need to do a concrete deck overlay, possibly some beam repair and replacement, some drainage improvements, guardrail replacement, and some placement of additional rip rap. They estimated that the cost was \$210,000, and as long as you authorize me sign off on it, then they could proceed with designing the improvements that they have recommended. So, I would request your approval for me to sign off on that inspection report.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a change order for a \$60,813.84 increase on the University Parkway project. This was an incentive bonus payment based on the pavement smoothness. The INDOT specifications call for that, so, it's just an automatic payment as long as the contractor hit the criteria to get the bonus. So, I would request approval of that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next item is also a change order. This is for a decrease of \$144,338.80 on Lynch Road. This is basically balancing out all of the line items that weren't fully used. So, the inspector basically went and totaled it all out, and that's what the contract under run would be on the basis of those items not being used.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Excuse me, Mr. Stoll? Before we go on, that money, that gets rolled back into a certain account?

John Stoll: That contract is being paid off the TIF.

Commissioner Nix: Okay.

John Stoll: So, it will just be available, I guess, for other projects within the TIF district.

Commissioner Nix: Okay, thank you.

John Stoll: This will also be offset by some other increases that we have seen throughout the duration of the project.

Commissioner Nix: Right.

John Stoll: I think, overall, the estimate was that the grand total project price would be in the neighborhood of \$20,000 over the original bid price. Here again, there were some incentive bonus monies that offset this \$144,000 savings.

Commissioner Nix: Thank you.

John Stoll: The next item that I have is in regard to two proposed projects that the MPO has in their transportation improvement program. One is Green River Road and Lynch Road, and the other is Green River Road and Heckel Road. These two projects were currently programmed to use congestion mitigation federal aid funds. Given the fact that we're going to pursue all the work on Green River Road with the TIF monies, those projects need to be removed from the MPO's TIP. I spoke to

Brad Mills about this, and he felt that in order to remove these projects, it would be best to have the Commissioners take a vote to officially have them removed. So, I'm requesting that you approve the removal of the Green River Road-Lynch Road intersection project, and the Green River Road-Heckel Road intersection project from their TIP. Basically, that just means we won't use federal aid on the projects.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have change order for an increase of \$4,691 for the office renovations in the Old Courthouse. This is to cover the installation of some additional lights and the associated wiring with those lights.

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 item that I have is I would like to request approval to go to County Council to request a \$25,000 appropriation in the Baseline Road bridge account. This would cover the review fees for CSX, in conjunction with the design of the project. Basically, the way the process works is we'll have to agree to reimburse CSX for all their costs in conjunction with this project, and they've estimated the price would be anywhere from \$8,000 to \$25,000, and any funds that aren't used for the CSX fees could be rolled into the right-of-way purchase.

Commissioner Nix: So, the \$25,000 on the high side, according to what they're telling you right now?

John Stoll: Right.

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 that I have is a letter to URS Corporation, and this is to request that CSX begin the process of preparing the preliminary engineering agreements for the Baseline Road bridge. Basically, the letter that I've written for your signatures has a description of the project, and the location of the project, and it basically says that, asks them to proceed with the preparation of the agreement so we can keep this project moving ahead. So, I would request your approval to sign off on that letter.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: One thing, you have spoken to URS directly then about the project?

John Stoll: Yes.

Commissioner Nix: Did they give you any kind of a warm fuzzy feeling at all?

John Stoll: They said that trying to get something to construction by the end of the year was workable, but it would hinge on the county and the consultant making sure that everything kept going smoothly in their direction. So, we'll see.

Commissioner Nix: Good. Thank you.

John Stoll: I didn't clarify this, but URS Corporation is the consultant that CSX has contracted with to do their reviews. That's all I have.

President Musgrave: Question?

John Stoll: Sure.

President Musgrave: When is Lynch Road scheduled to open?

John Stoll: They are still telling me by the end of the month. I still don't have a specific date as of yet. When I was last out there a couple of weeks ago, there were some pretty substantial eroded areas that had to be regraded and reseeded. They had some median work, the traffic signals weren't finished, things like that. So, they had quite a list of items. None of the items were really major items, it's just there were quite a number of things they had to deal with. I spoke to the inspector about it yesterday, he said they still felt that they could have it finished by the end of the month, but we'll need better weather than we've had in the past few days.

President Musgrave: I would like the better weather no matter what, truthfully. Alright. Nothing further then?

John Stoll: No.

President Musgrave: Thank you.

Commissioner Nix: Thanks.

President Musgrave: Are there any other department heads before I ask the County Attorney to give his report? I see no other.

County Attorney

Ted C. Ziemer, Jr.: Yes, I have two items. This came late from the State to the Health Department, but it's a grant continuation agreement for a federally funded Childhood Lead Poison Prevention Fund. It's a grant of \$22,165. The current grant expires June 30, 2006, this would extend the grant at the same amount through June 30, 2007. It needs to be returned to the State by May the 17th, so, we're putting it on the agenda late today. I recommend that it is satisfactory for approval.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Okay, and I have an engagement letter from Barnes and Thornburg for work in connection with the Burkhardt Road TIF bond and expansion area. I have reviewed that. It's standard for an agreement of it's type, and I find it satisfactory for execution from a legal perspective. I have the execution copies with me here today.

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.: Then, I have my results of my openings.

President Musgrave: Do you want to do the sale of the property on North Colony?

Ted C. Ziemer, Jr.: Whichever, whichever. Yeah, sure.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: We have negotiated a sale of real estate owned by the county on North Colony Road, and I have for approval by the Commissioners, should you wish to do so, a quit claim deed, which will convey the property to Von Fuchs, who is the purchaser, a closing statement for that sale, which will be signed by the purchaser at the closing, and then a real estate sales disclosure form. I recommend the execution of these documents.

President Musgrave: Alright, and this property was sold to a neighbor who put out bids, and this was the only one that we received?

Ted C. Ziemer, Jr.: Exactly.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

**Preliminary Resolution: CO.R-05-06-013:
Approving the Construction of Sanitary Sewer Improvements:
Aabel's Park Subdivision: McCutchanville United Methodist Church**

President Musgrave: I have one other thing on my notes here for the resolution for Aabel's Park Barrett Law sewer project.

Ted C. Ziemer, Jr.: Yes, and I have that as well. The residents of Aabel Park Subdivision, plus just outside the park, the Methodist Church and four lots on Erskine Lane have requested a Barrett Law project for development of sanitary sewers in that area. We have prepared a preliminary resolution for consideration and adoption by the Commissioners, which, if you adopt that resolution, you would find that it is in the best interest of the county to proceed with this improvement under the Barrett Law. You would find that the preliminary, that you preliminarily approve the plans and specifications for this project as presented by the consultant, Easley and Associates, and which have been approved by the County Attorney. You would accept the approved maximum cost estimate for the project of \$337,000. Now, that's a maximum cost estimate. It may turn out, in fact, it probably should turn out to be less than that. But, we build into that all possible contingencies, because, if the low bid for this project should turn out to be higher than the maximum estimate, we would have to start the entire process over again, or find some other source of funding for this project. So, that's the, you would be approving that. Attached to the preliminary resolution, should you decide to approve it, are the names and addresses, lot numbers and tax code numbers of the properties which will be beneficially affected by this improvement. Also, by adopting the resolution you would approve the publishing of notice of the hearing on this proposed improvement, which is proposed to be held on June 6, 2006, at which time remonstrances, if there are any, can be heard, and the board would then make a determination as to whether the project should go forward. In addition to the publication of notice, a copy of that same notice will be mailed to each property owner by certified mail. That's what you

would be approving if you adopt the preliminary resolution. In addition to that, there is a notice of hearing, which also requires the signatures of the Commissioners.

President Musgrave: Alright. So, do I hear a motion to adopt the resolution, set the hearing, public hearing date as June 6th, authorize the publication of the notice of the hearing date, and to direct the County Attorney to send certified notices to the property owners?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I know that that neighborhood has worked very long, and very hard.

Ted C. Ziemer, Jr.: Over a year and a half, right.

President Musgrave: This must be a vast relief to get to this stage, although I know that when they finally have the project in place, the sewers, that will make a real difference.

Commissioner Nix: And, hopefully, the cost will come in under that \$337,000--

Ted C. Ziemer, Jr.: I would think so.

Commissioner Nix: --so we don't have to move through this process again.

Ted C. Ziemer, Jr.: Madelyn, I will need a signed copy of the notice, to make copies of to send to the property owners, and, of course, also a signed copy of the preliminary resolution.

President Musgrave: Thank you. Could we go ahead and have Ms. Farrell's report, and then come back to the bids?

Ted C. Ziemer, Jr.: Sure

Superintendent of County Buildings

B.J. Farrell: I do have some items today for the Commissioners to discuss and accept. I have a letter to Alice Weathers, with room for Commissioners signatures, supporting the Self Help Housing Program to construct seven units of housing for low income families. This is a letter supporting their application for a grant. I ask the Commissioners to sign and accept this today.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

B.J. Farrell: I would like to ask the Commissioners to please approve today the rates that we will be charging landowners who do not mow their property, and we have to send county crews, after due notice, to take care of that. The rates are listed on the sheet. I ask the Commissioners for approval of that as well.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Now, are those rates different from last year?

B.J. Farrell: They are. We did build in some increases due to prices of gas, and salary increases. We increased personnel time by three percent, equipment usage by ten percent, and I did talk to someone about the dumping fees, and we've raised that as well.

President Musgrave: Okay, all those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. We would prefer that everyone keep their county property mowed. We still do not want county crews going out and mowing on private property, even if we have to turn around and bill you and put a lien on the property. We would much prefer to have it taken care of by the owner of the property from the get go.

B.J. Farrell: I do have one other item, if I could. I discussed with you, Commissioner, earlier, we will be starting the county I.D. program. All county employees will have their picture taken, and a card will be issued to them for identification purposes. Gary Tucker will be the coordinator for this project, and he will be scheduling dates and times with the offices to get that information and those pictures taken.

President Musgrave: Now, it has been about ten years, maybe longer, since we photographed and I.D'd county employees. So, I would say that it's probably time.

B.J. Farrell: That is true.

Commissioner Shetler: Can I use my picture of ten years ago?

President Musgrave: Sure. We are ready to open the bids, if you are, Mr. Ziemer?

**Reading of Bids/Quotes:
VC06-05-01: Old State Road Bridge #1583 Rehabilitation
VC06-05-02: Concrete Repair of Various Roads
VC06-05-03: Schmuck Road Culvert #659 Replacement**

Ted C. Ziemer, Jr.: Okay, for the Old State Road bridge work, bid of Gohmann Asphalt and Construction Company, \$104,020.05; Deig Brothers, \$159,612.35; American Contracting, \$115,562.85; and Ragle, Inc., \$107,762.55. For concrete

repairs, JBI Construction, \$480,697.45; Deig Brothers, \$732,650.60; and J.H. Rudolph, \$567,495.70. For the Schmuck Road project, CCC of Evansville is the only bidder at \$48,777.12.

President Musgrave: Is there a motion to take the bids under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Any other department heads or reports of any kind that I might have missed?

Board Appointments

President Musgrave: We move now to board appointments. We have two, three appointments. Common Construction Wage, Paul Sowders; Domestic and Sexual Violence, Holly Dunn; Legal Aid, Amy Berkemeier. 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.

New Business

President Musgrave: Is there any new business to be brought before the Board of Commissioners?

Old Business

President Musgrave: Any old business?

Public Comment

President Musgrave: Is there any public comment on an item that the Commissioners have under their authority?

Consent Items

President Musgrave: We have a list of consent items. Is there a motion to approve the consent items?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Unless there's any other business, I look for a motion to adjourn.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

(The meeting was adjourned at 4:00 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (2)	County Clerk (2)	County Assessor (1)
Health Department (2)	Burdette Park (33)	Sheriff's Office (3)
Prosecutor (5)	Circuit Court (1)	Co-Op Extension (1)
Scott Assessor (1)		

Travel Requests:

Auditor (1)	County Highway (1)	Health Department (5)
-------------	--------------------	-----------------------

Commissioners:

AMR Quarterly Report: 1st Quarter 2006.
After Action Report Letter: 11/6/05 Tornado.
Letter of Support: Shovel Ready Program: VIP
Brake Supply Site Plans: VIP
Urban Libraries Council Letter of Interest.
Dentino Settlement Paperwork.
IBAP Gatekeeper Report: April 2006.
Jail Project: Release of Performance Bond: Stanley Security Solutions
Jail Project: Pay Requisition #60: \$357,918.51
Southwest Indiana Law Enforcement Academy: Centre/Waiver of Fees/Not OT.
Taxpayer comments on smoking ban.
Taxpayer comments on Burdette Bike Path.
Vision-e Monthly Report: April 2006.

Auditor:

A/P Vouchers: May 2006.
Barrett Law Lien Release: Westwood Hills: Tax Code 05-120-07-285-022

County Clerk: Monthly Reports: January-March 2006.

Public Defender: Request for Reimbursement: 1st Quarter 2006.

Purchasing: Monthly Report: March 2006.

Treasurer: Year-to-Date Investments: April 2006.

Surplus Letters:

Auditor: office chair.
County Assessor: printer table.
County Clerk: computer, printers, paper shredder.
Commissioners: desks.
County Council: chairs.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services
CIO		

Those in Attendance:

Cheryl Musgrave

Bill Fluty

Madelyn Grayson

John Stoll

Bill Nix

Ted C. Ziemer, Jr.

Gary Heck

Others Unidentified

Tom Shetler, Jr.

B.J. Farrell

Joanne Alexandrovich

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
MAY 23, 2006**

The Vanderburgh County Board of Commissioners met in session this 23rd day of May, 2006 at 3:34 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Are we all ready to start the meeting? I want to call to order the May 23, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions.

B.J. Farrell: Superintendent of County Buildings, B.J. Farrell.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Joe Gries: Joe Gries, Chief Deputy Auditor, sitting in for Mr. Fluty who is attending the state called Auditor's conference.

President Musgrave: If you would all join me for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the May 16, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the May 16th minutes?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**EMA: Planner & Exercise Coordinator Agreement
Health Department: Dental Clinic Cleaning Contract: Albin-Barr**

President Musgrave: We have several contracts, two contracts listed here, is there a motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Attorney

President Musgrave: Department heads, John Stoll, County Engineer is not in the room at the moment. County Attorney?

Ted C. Ziemer, Jr.: Yes, I have two contracts about which I have e-mailed each Commissioner.

Madelyn Grayson: Ted, I'm not sure your microphone is on.

Ted C. Ziemer, Jr.: It's not. Thank you. I have two contracts about which I e-mailed each Commissioner. One is a contract with Premis Consulting Group to engage their services for the selection, evaluation and negotiation with responders to the RFP for a vendor for IT services. That agreement would have a fee of \$37,800, which would be split evenly between the city and the county. Mr. Arvay advises me that funds are in place for this. I have, since the city is also a party to this agreement, I had it reviewed by Kevin Winterheimer, and he and I have discussed it, and based on that discussion, I did revise the agreement. You have the revised form of that agreement in front of you today. That revised form is satisfactory for execution.

President Musgrave: I understand that this represents a considerable savings over the process that was contemplated, I think, three years or more ago. Was that figure some \$300,000?

Ted C. Ziemer, Jr.: I think so, yes.

President Musgrave: Okay, is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: The next one is, arrangements are being made for an auction of personal property that still remains in the Safe House, which is no longer being used for that purpose. That auction is to be on May 30th. We were advised by the school corporation that there are certain items, among those which could be very useful to the school corporation. It's possible under the law for the county as a governmental entity to enter into a resolution agreeing to exchange that personal property for some

other item of exchange that would be agreed to by the school corporation and the county, if the school corporation would adopt a concurrent resolution to that effect. I understand that the school corporation has done that, and I have, or in the folder today is a form of resolution to be adopted by the Commissioners, which would resolve to convey to the school corporation the items of personal property listed on exhibit A in return for a payment of ten dollars by the school corporation.

President Musgrave: Is there a motion to adopt the resolution?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further?

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

County Engineer

President Musgrave: County Engineer, Mr. Stoll?

John Stoll: First, I would like to request that you award contract number VC06-05-01, the Old State Road bridge rehab to Gohmann Asphalt and Construction for the amount of \$104,020.05. They were the low bidder on the project.

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.

John Stoll: Next, I would request that you reject the bids that we received for contract VC06-05-02, the concrete repair of various roads. I would request that the bids be rejected because the two lowest bidders failed to provide any evidence of a drug testing policy as required by county ordinances, and the third bid we received was substantially over the engineer's estimate.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Will you be rebidding that?

John Stoll: The next item that I had was a new notice to bidders–

President Musgrave: Oh, thank you.

John Stoll: –for starting that process all over again. Madelyn has a copy of the notice to bidders for a new concrete repair contract, and we have added some extra language in hopes of clarifying that the drug testing policy is required with the bid submittal. So, I would request that you authorize readvertising for the concrete repair contract.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would request that you reject the bid we received for contract VC06-05-03, Schmuck Road culvert number 659 replacement. Here again there was no drug testing policy included within the bid submittal.

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.

John Stoll: Next, I have a change order. This is on contract number VC05-12-01, the Number Six School Road drainage improvement project. This is for an increase of \$14,780.75. The reason for the increase was an error we had in our quantities on our original plans. We had only about a fourth of the needed driveway quantities included in the bid. So, that's why it went up substantially once the actual work was finished.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: I would like to make a comment on that. Mr. Stoll worked with the contractor on the unit cost price, and was able to save the county some money doing that. So, I appreciate the help on that.

John Stoll: The contractor was very workable with us as well. So, that helped on that issue too.

Commissioner Nix: Good.

John Stoll: That is all I have, unless you have questions on anything.

President Musgrave: Lynch Road opening?

John Stoll: I spoke to the inspector out there yesterday, and they have set a final inspection, well, they call it a pre-final inspection, of the project for June 1st. Then the contractor has, I believe it's five working days to complete any work identified in that. So, right now we're estimating somewhere around June 9th would be the potential opening date. Once I know something more specific then I'll let you know.

President Musgrave: Okay, thank you.

John Stoll: Thanks.

Board Appointments

President Musgrave: Next on our agenda is board appointments. We have two boards which we need to rescind the current occupant and replace her with Marissa Nichoalds. I guess, this is an appropriate time to inform everyone that B.J. Farrell, after 15 years of service in county government, is leaving for a post that will benefit her and her family, and be a terrific opportunity for her. So, Ms. Farrell, we hate to lose you from the Old Courthouse Foundation Board and the Polling Place Advisory Committee. I do need a motion to replace her with Marissa Nichoalds.

Commissioner Nix: I'm reluctant, but so moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Ted C. Ziemer, Jr.: The one good thing is though if any of us get arthritis we will have somebody who's very well connected to take care of us.

B.J. Farrell: Please call me, 474-1381.

President Musgrave: She's already memorized the number. B.J., you've done terrific work here.

B.J. Farrell: Thank you.

President Musgrave: You made my becoming a brand new Commissioner easy. I appreciate everything that you've done for me and for the Commission.

B.J. Farrell: Thank you.

New Business

President Musgrave: New business. Is there any new business?

Old Business

President Musgrave: Old business? Department of Corrections letter. Commissioner Nix?

Commissioner Nix: Yes, we've received a letter from the Department of Corrections of the State of Indiana, and it's actually a grant that we applied for some months back, and I would like to read this letter. This is an intent to award:

"Dear Vanderburgh County Board of County Commissioners: The Indiana Department of Corrections is pleased to announce Vanderburgh County Community Corrections has been categorized in Level II for State funding in accordance with the funding formulas for Community Corrections and Community Transition Program (CTP) for fiscal year 2006-2007. A Level II designation indicates this agency meets the evidence based practice standards and plans to serve the target population as required for funding from the State of Indiana. This determination is based on information presented in the grant application, and through discussion with Grant Review Committee consisting of members from the Indiana Department of Corrections, the Indiana Department of Mental Health and Addiction, the Criminal Justice Institute, and the Indiana Judicial Center. For the first time in history with the assistance of the Government Efficiency and Financial Planning Division along with the Department of Correction Financial Division, funding are directly related to documentation as proposed by counties in grant applications. The information used for funding includes: the number of felony offenders proposed to be served; the number of felony offenders actually served; the level of commitment in utilizing evidence based practices, and demonstrating the effectiveness of the programs presently funded, and the specific county population level. The award for July 1, 2006 through June 30, 2007 will be \$854,557.89 for the base grant allocation, and \$231,485 for the Community Transition Funds. Funding priorities for additional base or one time funding is still under consideration and announcements will be forthcoming. Enclosed please find the contractual agreement between the State and Vanderburgh County. An electronic copy of the revised budget form has been sent via e-mail to the Director of Community Corrections. The revised budget should reflect the actual grant award and follow the original guidelines for State funding and be returned to the Department of Corrections, Community Corrections Division by May 25, 2006 in order for funds to be received in July 2006. The contractual agreement must be completed and returned to the Department of

Correction, Community Corrections Division by May 30, 2006 in order for funds to be received in July 2006. Congratulations on this grant award and we look forward to working with you on Community Corrections initiatives during the upcoming year.”

It’s signed sincerely J. David Donahue, Commissioner. I didn’t know if Chief Deputy Williams had anything, any comments on this.

Eric Williams: Just that I encourage you to sign that, so we can get the money. That is the DOC grant that runs that facility, but, I think it speaks highly of the staff, the operation that’s running out there, that they continue to fund us the way we request.

Commissioner Nix: Okay.

Eric Williams: So, thank you.

Commissioner Nix: Thank you, Chief.

President Musgrave: I don’t, is there something to sign there that we need to vote on?

Commissioner Nix: There wasn’t anything else with this that I know of, but, I guess, we can follow up with that before the meeting is over.

President Musgrave: Alright, we’ll find out about the contract.

Commissioner Nix: We just need to get it signed and get it back in.

President Musgrave: Since we don’t meet again until June 6th, I would like to just go ahead and have a motion to sign the relative documents to accept that grant.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: May I have a copy of that for the record?

President Musgrave: Okay. Is there any other old business?

Public Comment

President Musgrave: Is there public comment? I hear none.

Consent Items

President Musgrave: Is there a motion for the consent agenda?

Commissioner Nix: Motion to approve consent items.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Normally, I would ask for a motion to adjourn, but since we're meeting again later tonight, do we adjourn, or just recess?

Ted C. Ziemer, Jr.: Just recess until tonight.

Commissioner Shetler: Well, that's—

President Musgrave: Oh, it's not a—

Ted C. Ziemer, Jr.: Well, let's see, we did notice that as a special meeting though. You could go ahead and adjourn.

President Musgrave: Motion to adjourn?

Commissioner Shetler: Before we do that, let me just real quickly remind everybody though that we do have a meeting tonight at 6:00, from 6:00 to 8:00 out at the 4-H Center, and that's at the top of the hill. I think, I guess it's called the auditorium in some cases and stuff, but as you go in to the main entrance there you turn, veer hard to the right and go up to the top of the hill where there's plenty of parking. That's where we'll be.

President Musgrave: I understand you will be conducting that meeting.

Commissioner Shetler: Yes.

President Musgrave: Anybody can come and make comment about smoking. Did I skip over the public comment?

Ted C. Ziemer, Jr.: No, you didn't.

President Musgrave: Alright, then is there a motion to adjourn this meeting?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:47 p.m.)

CONSENT ITEMS:

Employment Changes:

Sheriff's Office (1)	Scott Assessor (1)	Treasurer (2)
Circuit Court (1)	Burdette Park (4)	Health Dept. (2)
Supt. Of Bldgs. (1)		

Travel Requests:

Health Department (1)	SWCD (2)
-----------------------	----------

Circuit Court: Surplus letter: desks.

County Clerk: Monthly report: April 2006.

Commissioners:

Receipt of amended Lang contract.
Taxpayer comments on smoking ordinance.
Taxpayer comments on Burdette bike trail.
Department head meeting notes: May 16, 2006.

Superintendent of County Buildings: Appropriation request.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Joe Gries	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	John Stoll	Eric Williams
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

**JOINT COUNTY COMMISSIONERS-CITY COUNCIL
SMOKING ORDINANCE PUBLIC HEARING
May 23, 2006**

The Vanderburgh County Board of Commissioners and Evansville City Council met in joint session this 23rd day of May, 2006 at 6:05 p.m. at the Vanderburgh County 4-H Center Auditorium, 201 East Boonville-New Harmony Road for the purpose of hearing public comment on a proposed ordinance establishing non-smoking areas in Vanderburgh County and the City of Evansville.

Call to Order

Commissioner Shetler: We will begin the process, first of all, I really want to compliment, and there's a lot of the same faces that were here the other night, but there are a few new faces. I want to complement everyone for how well they behaved. We did have one incident, and I think some of that may have erupted because we perhaps allowed a little bit too much support for one side or another and maybe it would be best to try to keep that down this time so that we don't end up with any kind of interruptions like that. But I do think that everyone was very polite and very courteous and very professional in the way they conducted themselves, and I greatly appreciated that, and I know that we're going to continue to do that same thing this evening. Tonight I might conduct things a little differently, in that, as you signed in, we will be calling people up in order. There's been three or four people that have come up and asked me if they could come up a little sooner because of conflicts that they had, and we will be honoring that. But otherwise, we will pretty well stick to the schedule here. The first person that, well, first of all, let me introduce everyone and I guess I'm going to have to pretty well do this, at the far end is Mr. Joe Gries, who is the Deputy Auditor in the Auditor's Office; to his right is Mr. Steve Bagbey, who is the second ward City Councilman; John Hamilton, who is the City Attorney; and Angela Koehler, who represents that fifth ward; and Cheryl Musgrave, who is my cohort and the President of our County Commission; Ted Ziemer, to my left, who is our County Attorney; to the very far right, you probably don't get that very often, do you Keith? To the very far right is Keith Jarboe, who represents the City Council at-large; and then Steve Melcher, who is representing the third ward City Council. So again, I thank you for being here this evening. And we do have an attendance sheet that we're going to be passing around, if you would please sign it so that we'll have it for our record, whether you plan to speak or not. The speaker sheets were back there on the very back table, so you can still fill one out if you're coming in. And if you wish to speak and you didn't get, at the back table back there, make sure you do fill that out. The first speaker that we have is Mr. Robert Stayman. And it's the same process – yeah, same process where we will be having three minutes. There's an electronic deal up there and I think at the two minute mark, you'll get a yellow caution light that will come on. When the red light comes on, your three minutes is up. So thank you.

Robert Stayman: Thank you very much, members of the Council and Commission, esteemed Counsel, I speak to you tonight as president of the Vanderburgh County Board of Health, my name is Bob Stayman and I am here to indicate the County Board of Health's unanimous, unequivocal support for passage of both the city and the county ordinance. I want to bring to your attention a bit of business that was conducted by the Board of Health last month and I want to read to you from the preamble of that bit of business. Environmental tobacco smoke, we found, also referred to as second-hand smoke, is classified as a group A carcinogen under the Environmental Protection Agency's carcinogen assessment guideline. And exposure to ETS, environmental tobacco smoke, causes lung cancer, nasal-sinus cancer, and has been linked to an increased risk for heart disease in non-smokers. Ladies and

gentlemen, those are facts. That's not somebody's opinion, and that's not idle speculation. Those are facts and for that reason, the County Board of Health adopted this resolution, that the Vanderburgh County Board of Health supports optimal protection of the public through an ordinance requiring smoke-free environments in all schools, workplaces, and public places. Lest you think the board can talk the talk but not walk the walk, I would also point out to you that your county Board of Health has been smoke-free since last year. And since this year, we have a 100% non-smoking administration and staff. We are proud of that, we think that shows how committed we are to this issue, we strongly support the passage of ordinances both in the city and the county. Thank you very much for your time.

Commissioner Shetler: Thank you. Bob, I have a question.

(Inaudible)

Robert Stayman: I'm sorry, I didn't hear that.

Unidentified: Do you live in the city or county or outside?

Robert Stayman: I live in the county.

Commissioner Shetler: Any other questions? The next is Daniel Josey.

Daniel Josey: My name is Daniel Josey, and I work at Whirlpool, I live in Evansville and have all my life. The main reason that I came here to talk to you guys was about the effects that this proposal will have on my veteran's club that I belong to. Now I am speaking for myself, I'm not speaking for the club, but I can tell you, I just wanted to share some observations that I had from being in the club and around the club. Our club basically pays its bills through proceeds that are derived from a bar that's inside of our club and at any given time, if you sit at that bar, and look around the bar, actually about four times I've done it since this whole thing started, and that smallest percentage of smokers at the bar was about 60 percent. And one evening, the largest was 90%. Now we pay our bills and we do things for the community from the proceeds that we get from the bar. And if we lose 70% of these proceeds, we won't be able to do a lot of activities that we do for our members as well as for veterans that live in the community and as well as just regular people in the community. We give Christmas and Thanksgiving baskets out, we pass out medicines at the VA Clinic. We support Soldiers & Sailors homes in Indiana, just to name a few things that our club does, not to mention the other clubs, the American Legion. Now when these 70% of these people are no longer in our club, buying our drinks, helping us pay our bills, we're going to be in dire financial straits, and I don't know what we're going to do. I don't know how we're going to pay our bills. And for that reason, I plead that you exempt all veterans organizations from this proposal. There's also a lot of effects that this is going to have on private business. And I don't know if anybody has actually looked at the effect that this is going to have on private businesses, but if they're anyway in the same situation that we are, there's going to be people that are going to lose their businesses. When the ban passed in New York City, hundreds of bars closed. These bars paid taxes, their employees paid taxes, so I think that we really need to consider what we're doing and work with the private bar owners and come to some kind of compromise so that we can continue to collect the tax revenue from their bars and they can continue to operate their businesses in the manner that they've been accustomed to. I'd like to thank you very much for your time.

Commissioner Shetler: Thank you. Any questions? Next is Barbara Hancock.

Barbara Hancock: I guess we don't have a box for the short people. My name is Barbara Hancock, I'm from Evansville. I am a non-smoker. I would like to appeal to the advocates of the smoking ban, if the ordinance is passed as it is, smokers will not have any place to go out to eat. There are smoke-free restaurants for you. Freedom is a very delicate and precious thing, freedom to chose is one of the reasons this country is the great country that it is. If your choice denies others' freedom, then it diminishes your freedom, too. You could be next on some things that you like to do. The neighborhood mom and pop operations, small businesses, just the regular friendly people and the small-town ways that makes Evansville a great place to be, are a lot of these small businesses, small neighborhood taverns, and small mom and pop restaurants. Please let us keep them. They're what makes our small town a great town. And these businesses will be hurt and possibly eliminated. The ordinance, the way it stands, is unfair and denies people the right to chose. Let's work on it together. Most places provide smoking and non-smoking areas already. Maybe this can be improved a little bit, but at least let the business owners chose for themselves, have the freedom to chose. The smoking ban advocates keep saying step outside. These advocates need to inform themselves of what this ordinance really says. Not within forty feet of a business. Nothing with a roof. Nothing with two walls. Uh-Uh. You're taking other peoples' rights away. This can be solved with a sign on the door or a wall or a door between the different sections to separate the smokers from the non-smokers. Let's don't turn our law abiding smoking citizens into law breakers over something we can reasonably work out together. Our city and counties have tight budgets, lets not open up ourselves to a lot of lawsuits from business owners, smokers and whatever, because their rights have been denied. Let's be fair. If you own a business, if you owned a business, you would want to chose. A lot of them don't want to chose between their smokers and their non-smokers and they shouldn't have to. And if I may say something to Ms. Koehler-Walden, I heard your opinion the other night, and you have every right to your opinion, but I was kind of surprised. One of the reasons I am here defending something that I don't even do, is because your dad was my government teacher. He instilled in me a belief in freedom of choice, individual rights and justice for all people, not just some. I thank you for your time.

Commissioner Shetler: Mr. Bill Nix has joined us I didn't mention him, County Commissioner as well. So the next name is Mr. Harold Beecher, Mt. Vernon Road.

Harold Beecher: City Council, Vanderburgh County, I'm here because I'm alive because I quit smoking about twelve years ago with open heart surgery. You cannot see any stains between my fingers from smoking because I quit smoking. The idea is that I can breathe because I quit smoking. You can go to St. Mary's, Deaconess, and Welborn and see all the patients in there with asthma, or other lung related diseases that they cannot breathe. And we are in a very limited area as far as the smoke we breathe and the air, and then you get into a building where there's smokers, you're not going to live too long. And I'm 74 years old, and I'm not afraid to die because I have been there before. I will not stand for people that blow smoke in my face, and I'll never stand for it, over my dead body. Thank you.

Commissioner Shetler: The next speak is Mr. Vince Hill and then I'd like to have Terry Andry next, if they could be waiting off to the side so that we might be able to get it moving a little quicker. So Vince Hill and then Terry Andry will be the next up.

Vince Hill: Hi, my name is Vince Hill and I am a thinking, non-smoking adult, American citizen, who strongly believes in personal freedom of choice and the rights of individuals not to be subjected to invasive governance. It is not the role of the government to pass legislation that infringes on the rights of individuals to make choices about how they conduct their everyday lives. Even if they chose to engage in unhealthy activities such as smoking or overeating. The mandatory seatbelt law is a perfect example of such legislation. Whether or not we wear a seatbelt should be the choice of the person sitting behind the wheel or any other adult in the car. However, as well as we all know, that is a bell that can't be unrung. Hundreds of thousands of people are harmed or killed by medical mistakes by hospitals and doctors every year. Do we now pass a ordinance that you can no longer go to the doctor of the hospital? While I agree the public venues that everyone go to for whatever reason should be smoke-free, I wonder why anyone would want to penalize businesses, private clubs, and make them lose money in privately held and run establishments. Why is it so difficult to let people make their own choice about whether or not they frequent a place of business that allows smoking? Who do some people feel the need to force their opinions and preferences on others? It is not the role of the government to be our nanny. We, as adults, should be free to chose where we spend our money and property owners and private clubs should be able to chose how they run their businesses. Surely reasonable people can come to some kind of compromise on this that is agreeable to all and not so punitive. Thank you.

Commissioner Shetler: Okay, the next speaker is Terry Andry and then after that, is Larry Pile.

Terry Andry: I'd like to thank the County Commission and the City Council for bringing us this opportunity, and freedom of debate is what democracy is about. And we have a lot of people that care about what is being done here. And we appreciate the opportunity to say so. I know growing up when someone said, "Do you mind if I smoke?" It was almost automatic: you had to say, "Why no.", because everybody smoked. But then, you know, when we found out in '65 that cigarettes causes lung cancer, well, you know, they laughed at the guy, kind of. That's government intruding. I don't know how many people had to die before people started finally changing their mind about it. I know, I had a great aunt that was dying of cancer and told my niece to get her a cigarette and my niece said, no way. But we've all seen the problems, we've all seen, I've worked in a hotel and I've had to scrub brown sticky caffeine off the walls. They didn't inhale and the walls didn't smoke, and it would stick, the same way off an old car window, and it would stick, grimy. What does that do to people's lungs? Now people say that, one side of the debate is we've got a right to smoke, freedom of choice. And that sounds kind of good except as the little girl said in Turoni's about eight or nine years ago, she thought she had a right to breathe. She had asthma. People, when you exhale smoke, you're affecting the lives and the people around you. Okay? The old guy said, "You're right to swing your elbows ends where my nose begins." We have to consider the other people because when we exhale the smoke, we're affecting the other people. The doctor the other night said that, you know, if you want to take a hit of nicotine, you have a right to do so, and he didn't care. But when you exhale smoke and someone else has to breathe it, you're affecting their rights. Again, I would applaud the city and the Council for looking into the issue and for tackling the issues. A lot of states have tackled the issues and have stopped it because its affecting lives, its draining our Medicare and Medicaid programs of millions of dollars and its time that if you can, to put a stop to it. Thank you.

Larry Pile: I'm Larry Pile, I'm director of Human Resources for Deaconess Hospital. First of all, I want to thank you all for giving us this opportunity. Is this better now? I beg your pardon?

Unidentified: Do you live in the city or county or outside?

Larry Pile: I live in Warrick County, I work in Vanderburgh County, but I'm representing Deaconess Hospital. We have over 4,000 employees. On November 19th, Deaconess Hospital, along with many other businesses in the tri-state area joined the fresh air partners and we went smoke-free at Deaconess Hospital. We think it was the right thing to do at the right time to support our employees and the patients that come there and their visitors. Its been successful for us and we felt like it was step that we needed to take. We've taken other steps to be aggressive with our employees and to try to get them to adopt healthy lifestyles. We think supporting this ordinance would be another step in supporting healthy lifestyles. If you want to control costs, you've got to take aggressive and assertive steps and support healthy habits and healthy lifestyles. We think this ordinance would do that and I have noticed tonight that there's some slogans saying, our health, our business. At Deaconess, we would change that. We would say its your health, its our business. And we want to do that right thing with that. Thank you.

Commissioner Shetler: Next is Mary Beth Nalin and then Karly and Kelly Bowman.

Mary Beth Nalin: Hello, my name is Mary Beth Nalin, I'm a resident of the city. First of all, thank you for my three minutes of time this evening. I want to say for the record that I'm a non-smoker with a history of respiratory problems all my life. And I am unequivocally opposed to the ban on smoking. I have nice little note cards with a speech that explains why, but I'm going to put them aside, because as I'm listening to speeches, things are occurring to me. And all that keeps going through my head is a quote that I heard once, I can't remember the exact thing, and its driving me crazy, but its something to the effect that the United States had survived a civil war, the division between north and south, the division between east and west, but the writer wasn't sure that we could survive the division between smoking and non-smoking sections. And as this keeps coming up again and again, those are the two sides that keep coming out, its smokers versus non-smokers. And it shouldn't be because neither one of them have any sort of right to either smoke in a private establishment, which restaurants are, nor do they have a right to breathe clean air in a private establishment. The main problem we seem to have is the difference between public and private places. A restaurant, whatever you might think, is not established for the benefit of its patrons. It is established for the benefit of the business owners. Business owners are the ones who have the rights in this arrangement. Sure, they depend on the good will of their customers, they depend on them for their success, but they don't have to take into account what they want when they set their policies. If it comes out that they would have more business if they outlawed smoking, then that's what they'll do, its called a free market. Its worked remarkably well for a pretty long time. I personally would rather be in a non-smoking restaurants because I don't like to breathe smoke, it makes me sneeze, I can't breathe very well, but I also really like the feeling of living in a country where I know that if I'm in a non-smoking restaurant, its because the owner has decided that that's what they wanted for their business. You do not have to eat, drink or socialize in a smoking environment. You make a choice to do so. On the day that somebody puts a gun to your head and escorts you into a smoking environment and forces you to inhale, at that point you will have experienced a legitimate violation of

your rights. In this city, it is entirely possible to never enter a smoking establishment, because all of the buildings where you are required to go, such as schools, hospitals, government buildings, already do not have smoking. Anywhere else you chose to go, whether it be a restaurant, a bar, a casino, whatever, you made a conscious decision to go there and you could chose not go there, just call ahead and ask if they have smoking. If they do, tell them you're not going to come because you don't like it. If they get enough of those phone calls, I'm sure they will stop allowing smoking there. So thank you for your time and good luck making, what I'm sure, is a difficult decision.

Commissioner Shetler: Karly and Kelly Bowman are coming up next, and then after that, Pete Gallion.

Kelly Bowman: Hi, my name is Kelly Bowman, I live in Vanderburgh County. This is my daughter, Karly. I'm a single mother –

Commissioner Shetler: Speak into the microphone.

Kelly Bowman: I'm a single mother of two children and I'm very family oriented. Ninety-five percent of the places where I go, my children go with me. And we chose to go into private clubs such as the American Legion and Riverbend. These are family oriented places, my children enjoy going to them and so do I. This is something we'd like to continue doing. And as a private club member, we pay to be in these organizations and we should decide as a club and organization whether we want to be smoking or not. And I don't think, you know, anybody is totally against this ordinance. I think everybody is willing to compromise, as a city we should join together and compromise on this. I think that the small privately owned business that would like to keep theirs smoking, and they have family dining, which is already non-smoking. And the private clubs, you know, would like to continue to have it be a family environment and allow the patrons that want to smoke to be able to smoke. And as a citizen, its my choice whether I want to go into these private clubs knowing that there is smoking there and its my choice as a parent, if I shall bring my children in there. This is something we enjoy doing together as a family and its something we'd like to continue enjoy doing. And I just feel like there's, you know, some kind of compromise where we can work together and do this ordinance where everybody can come to an agreement. And my daughter Karly would like to speak.

Karly Bowman: I like going to the American Legion and Riverbend with my mom and grandparents. I want to be able to continue going to these places.

Kelly Bowman: Thank you.

Commissioner Shetler: Thank you. Pete Gallion and Douglas Fox. Douglas Fox will be next.

Pete Gallion: My name is Pete Gallion and I'm a non-smoker. I'm alive because God let me be alive. I am an American citizen. We were founded on by the people, for the people, not a few peckerwoods that's going to rule for everybody in the whole city. Its not right. My brother died of cancer, he was not a smoker, but he also told me, there's a lot of stuff in Whirlpool you don't realize goes on. His son, who is a minister has never smoked, has cancer. Ask all these kids down at St. Jude's if they smoked. No, they don't. This is wrong. You people know its wrong. I heard somebody on the Council last week say, smokers don't have rights. Crap! The man

from Deaconess Hospital, if it wasn't for smokers and sick people, he wouldn't have a job, he'd be down at the septic sewer doing something. You people sit up here like you're above the law. Why has the Sheriff's Department got a room for their deputies to smoke in? Why does the courthouse allow smoking between the judge's chambers and the courtroom? It's a double-edged sword. You don't allow prisoners to smoke, but you allow your deputies to smoke. You don't allow smoking in the courthouse, but you allow your lawyers and your judges to smoke. I had my ear cut off, I've had my nose broke, I've a blackjack mark, I've got a cut up here, but not by a smoker, but by a drunk. Where are we going to draw the line here? Come on people, let's be Americans. Let's put it to a vote, not just a few of you. You probably got your mind made up and this is probably a farce. And you're probably whizzing on these people's head and telling them its raining and a lot of them is believing it, but you've done got your mind's made up and its wrong. That's all I have to say. Thank you.

Commissioner Shetler: Douglas Fox, and then after that will be Johnny Kincaid. Douglas Fox?

Douglas Fox: This is a tough room to work. Good evening, members of the county, members of the City and County Councils. My name is Doug Fox, and I do live in Union Township. I'm commander of AmVets Post 84, I'm here this afternoon not as an elected representative for the Council of Veteran's Organization of Vanderburgh County, which includes over 14 veterans organizations with memberships of over 16,000 people in Vanderburgh County. I am not here as an advocate for pro or anti-smoking, but as an advocate of freedom of choice. The one thing all these organizations have in common is, from to time, we all have young people under the age of 18 in our posts and clubs. Our posts and clubs are governed by our own constitution and bylaws on a national and state level that allow and encourage our members' children and grandchildren to take part in post and club activities especially designed for youth groups. We adhere to all federal, state, county, city laws pertaining to day-to-day operation. We are non-profit, so after paying the bills, most of our money goes back into community programs for the betterment of the city and county. Our post and club rooms are equipped with smoke eaters and ventilation systems for the comfort of all, our members young and old alike. We hope with a better quality of air than the city and county parks and playgrounds. Our young people are not in our posts from opening to closing every day and in most places, there is a set time when minors must be out of the post. Children have always been a part of veterans organizations. The American Legion has sponsored youth baseball for decades, VFW Post 1114 sponsors a local boy scout troop, and AmVets Junior AmVets has an annual essay program about Americanism worth thousands of dollars in scholarships nationwide, just to name a few. Veterans clubs are family oriented, however, I can't pronounce that word, and try to include the family members in the different club activities throughout the year, such as family picnics, Easter egg hunts and Christmas parties. We are very proud of our veteran heritage and try to instill on our young people the sacrifices our veterans have made over the years so they might realize that freedom is not free. When we were young soldiers, sailors and marines from World War II to Viet Nam and even Desert Storm, smoking was very much en vogue, cigarettes were even included in C rations then. Our veterans feel it is their right to smoke in their clubs if they so chose. The anti-smoking ordinance as it is written, as stated in Article 9.80.03 Paragraph A Section 8E allows no one under 18 years of age in our posts or clubs at any time if there is smoking, and no smoking if anyone under 18 years of age is allowed anywhere in the facility or the building at any time. What the Council of Veterans Organization

of Vanderburgh County would like to propose is to omit Section E from said ordinance. We feel with the omission of Section E that it is an ordinance we can all live it. We also feel if this ordinance is passed as it is now written, it will cause adverse repercussions that will be felt all the way to the State House. We thank you for this audience, your time, and your consideration.

(Tape Change)

Johnny Kincaid: Thank you very much for making the sacrifice of time to be here this evening. I'm sure, that like me, some of you would rather be home watching American Idol tonight. It's the final. I'm cheering for Taylor. By the way, did you know that Taylor is a big supporter of the smoke free ordinance? Well, okay, I made that up, alright? I made it up so that I could prove a point to you about making unsubstantiated claims. Sometimes those unsubstantiated claims sound pretty good on the surface. Like a local bar owner who on television one night said that this ordinance is going to ruin the bar business here as it has in Chicago. Now the problem is that the tv station didn't fact check. The ordinance in Chicago doesn't affect bars until the year 2008. I'm asking you to fact check as well. That is why we put together a little fact sheet so that when somebody says the sky is falling, you don't have to believe the sky is falling. You can just check the facts. When somebody says this ordinance will hurt my business you can check the sheet here that says this ordinance will hurt my business and here are the economic impact studies done in communities like ours all across the county that prove that smoke free ordinances do not cause economic harm. Now the question that we wind up with here is who are you going to listen to? Who are you going to pay attention to? Last week I talked about 70 percent of your constituents want this ordinance and expect it to be passed with no exemptions. Are you going to listen to them? Or are you going to listen to those that you get to gather with for breakfast on a weekly basis? Are you going to listen to the medical community? Are you going to listen to your friends and family who don't want to be inconvenienced by this ordinance? Are you going to listen to political leaders? We've got a republican governor who says he wants this for economic development and we've got a democrat as a mayor who says he wants this for economic development and we've got four democrats on the City Council that are turning their back on the mayor's economic vision for this community. Some of those people are not here tonight unfortunately to listen to input from the community. Are you going to listen to the conspiracy theorist who are going to talk to you about the fact that secondhand smoke isn't harmful at all? You know, if you listen to those people, what it means is, that everybody from the surgeon generals for the last 30 years to the CDC, the EPA, the Indiana State Department of Health, Vanderburgh County Department of Health, the Vanderburgh County Medical Society, with their 500 physician members, that they're all somehow involved in a conspiracy to lie to us and take away our freedoms, when the simple fact is we know what happens with secondhand smoke. If you weigh the evidence, if you look at your email in boxes and see how many positive comments you have received on this, 80 to three in some cases, if you look at the public input 70 percent support this ordinance. If you weigh the evidence as far as health goes there is only one conclusion you can come to and that is to pass this ordinance by a vote of nine to zero in the city and to pass it by a vote of three to nothing in the county. I thank you for your time and your consideration.

Commissioner Shetler: Johnny, we've got a question here.

Unidentified: Do you live in the city or the county?

Johnny Kincaid: I live in the city...or live in the county and work in the city. The person that you're going to hear from on tape is a lady who is at her grandchild's graduation tonight and that is why she couldn't be here and she really wanted to be able to testify and share her story with you, so we're going to give you an opportunity to get her story on tape and we have to kind of, you know, make do with things here a little bit.

Unidentified video: Most people just think that you can't be allergic to smoke, that it doesn't bother anybody but themselves. But it does bother people because when I go into a restaurant if there is smoke there I have to leave, I can't sit in there and enjoy a meal. I have went over to Henderson, Kentucky to a grocery store, I had lived there at the time, and I just went in to buy a few groceries. I did not realize that they allowed you to smoke in there because I have seen people with oxygen tanks and things and didn't think about it, and I started smelling smoke. I ended up having an asthma attack and ended up in ICU at the Henderson hospital. It's nice to see that the malls don't have smoking in there now too, because I can actually go pick out my own clothes. For a long while people would just buy things and then bring them to me because I couldn't get out and do things. You have to clean the stoma every morning and you have to change the pads and make sure that there is no infection or anything going in there. You also have to wear the necklaces around there to hold the trache in. If I took the top off from it I wouldn't be able to talk. You have to take the middle part out and clean it every day and then put it back in. I can't go swimming and diving the way that I used to. I can't do a lot of things that I used to do. I have to wait and find out is there somebody smoking over there. I can't come down here when we have functions down at the river. I can't go into different parties and things. No, I would never have gone in the grocery store if I knew that I was going to have this serious of a reaction and especially end up with a trache. I don't want a trache.

Commissioner Shetler: Thank you. The next speaker is Robert Stevens and then the one after that is Catherine Engel. Robert Stevens and then Catherine Engel.

Robert Stevens: I'm Robert E. Stevens. I'm a non-smoker. I quit about 20 years ago, but I haven't gained any weight. Just a joke I read a while ago. No, anti regardless of what it is, anti drinking, anti smoking, anti driving, they never really succeed.

Commissioner Shetler: If you could speak in that silver mic, the gray mike.

Robert Stevens: What's the problem? Oh, you can't hear what I said, uh? Maybe it's just as well. No live and let live as far as I am concerned. Now, if you don't like the restaurants that have smoking stay out of it. If you haven't got guts enough to do that then you're a lost cause anyway.

Commissioner Shetler: Thank you. Catherine Engel and then after that is Mike Young.

Catherine Engel: County Commissioners and City Council members. My name is Catherine McGraw Engel and I am a resident of Evansville. My husband died of

lung cancer. Although his lung cancer was likely not smoke related, 87 percent of the lung cancers diagnosed are and thus are preventable. Have you ever watched someone die from lung cancer? I will spare you the details of this ravaging disease, but I will tell you it is heart breaking. Secondhand smoke not only takes lives by causing cancer, but also causing heart disease and stroke. For every eight people who died because of their choice to smoke they kill one non-smoker with their secondhand smoke. You cannot ignore the havoc that secondhand smoke causes and you must not neglect your responsibility to protect the public. A patron pays a restaurant to eat the food, not to smoke. A patron pays the bowling alley to bowl, not to smoke. A private business should have the right to regulate its own policy on how it runs its business activity, but it should not be allowed to condone behaviors that cause physical harm. That is exactly what secondhand smoke does. When a smoker lights that cigarette that emits carcinogens and respiratory irritants then that person is physically assaulting everyone who breathes that air. If you smell smoke those particles have physically reached your nose and have entered your respiratory system. Your nose may run or you may start to wheeze, but more often it doesn't bother you and you're not aware of the danger. You do not see the black deposits that accumulate in your lungs. You do not smell the odorless, poisonous carbon monoxide that you inhale which displaces the oxygen making you more susceptible to a heart attack or stroke. You do not see the changes in your respiratory lining caused by exposure to secondhand smoke day after day from working in a smoke filled environment. You do not know you are at risk because those bruises are not as obvious as the bruises when someone hits you. The risks are there and the effects can be tragic. Often lung cancer is not diagnosed until it is too late to treat except with palliative care. It is an invisible disease. Secondhand smoke kills. Please do not play a political game with people's lives. Preventive measures must be taken and each of you has the authority and the responsibility to do just that. Please vote for this ordinance and thank you for letting me speak with you.

Commissioner Shetler: Mike Young and then Jack Eagan. Jack Eagan will be next.

Mike Young: Good evening. You know it seems people are always making rush decisions and not thinking how it will affect everyone around them. I would like to give a brief history on that subject. Back in the early 1800's our ancestors said you're Native American, you don't count. In the mid 1800's our ancestors said, you're a slave, you don't count. In the early 1900's people said, well, you're a woman, you don't count. In the 40's and 50's people said, well, you're African American, you don't count. You want to know something? We all count because the Native Americans, they counted, they got reservations. The slavery was abolished. Women, they can now vote. The African American can now go and sit anywhere he wants. Hopefully, the small business owners and smokers will find out that they count. I wish you would spend a week in a restaurant/bar owners' position working 60 to 70 hours a week cooking, cleaning, repairing things, paperwork, hostess, waiter, chief bottle washer. At the end of the week when you've paid all the bills and you think, hey, I've made a profit and then somebody says your fryer, your cooler, or your air conditioning stopped working. Hey, there went the profits. You have to understand that every customer counts. The non-smokers as well as the smokers. Ever since the smoking ordinance was brought up I've seen smokers, non-smokers, friends and co-workers argue about the ordinance. I don't believe that the City Council and the County Commissioners wanted a division of the community when they started discussing this issue. If what you really want is a

community that works together, I propose as business owners and community leaders that we look at this where it benefits everyone. I'm not going to stand here and say how this will affect our business because you don't know and I can't guess how much, but we don't have any guarantees. We all know smoking and secondhand smoke is bad for our health, but you also need to realize that restaurants are not the major contributors to secondhand smoke. Growing up, I can remember my parents protecting me from the boogeyman or the bad man. The restaurants aren't the boogeyman, and they are not the bad man. It's the drug dealers, the sexual predators and the peer pressure that our young people deal with every day. Let's concentrate on protecting our kids from them. Our kids only know what we have told them over the years and I hope they make the right choices. In closing, what I propose is that the committee, that restaurant and bar owners form, would meet with Council and Commissioners privately and discuss the issues that would benefit all parties. All I am asking you is not to shut us out. I believe we can work together. Thank you.

Commissioner Shetler: Thank you, Mike. The next is Jack Eagan and then James Taylor. Jack Eagan and then James Taylor.

Jack Eagan: My name is Jack Eagan. I'm the president of the Tri-County Council of Clubs and I am also a line officer down at the No-Ruz Grotto. These are all private clubs that the general public cannot walk in to. The people that join those clubs, we don't go out and drag them in and force them to join. They know whether they are smoking clubs or they are not smoking clubs and they still elect to join. A lot of the functions that all these clubs do helps benefit kids, underprivileged kids, and things like that. I don't think it's right that the Council tries to tell a private club that a normal off the street person can't walk in the door and get in there that we can't do what we want to do. I think that clubs need to be exempted and I think that's your duty to do that. Thank you.

Commissioner Shetler: Thank you. James Taylor and then after that I've got Serita Cabell.

James Taylor: All I have to say is all the restaurants seem to have things pretty well under control. I mean, we all know when we go they ask you "smoking or non-smoking". You know, it's not like an issue. Most of them have gone to non-smoking except for the bars. I fail to see where the smoke out of a bar is going to interrupt anybody's atmosphere in the other room. I mean, we're talking part a million, you know. I mean, part a million. If we're really concerned about people's respiratory problems let's look at G. E., let's look at Vectren, let's look at A. K. Steel. What about our ozone alerts during the summer, which is coming up. I mean, let's get real about the situation. You know, I'm 39 today. I'm here on my birthday. My whole family is sitting there at the house and I'm up here talking with you fine people, you know. There is a thing called freedom. You know, we do have choices. How many of you all have friends that smoke? Or friends of friends? You know, we've all grown up with it. I've sat here and I've looked around the room. How many elderly people are in this room and how did we make it? How old were your grandparents when they died? How significant is really secondhand smoke affecting people unless you want to sit right next to somebody while they're smoking? I mean, we have to be realistic about it. That's the main thing is being realistic. I don't think that shutting the bars down and saying, hey, we're going to be smoke free everywhere because we have that covered, don't we? I mean, it's

pretty well evident, you know. I mean, what am I going to say to you all? I'm just up here speaking about people's freedoms, people's choices. I don't have any cards in front of me. But I rely on your intelligence and your background and your knowledge and your wisdom through your years that you all will make the right choice. I don't think that people should be punished in this country and every single day that you start taking away people's freedoms where is it going to stop because we all sit here and we all know...look at the gas prices. Look how everything is going. I mean, when is it going to stop? That's the main thing. How far are we actually going to go with this. I guess that's pretty much all I really have to say, you know. It's up to you all and I hope that you really don't punish people because when you get down to it you do have a choice and the restaurants have it covered. They really do. Thank you.

Commissioner Shetler: Thank you. Ms. Cabell, and then after that is Randy Muston.

Unidentified: Could you tell us again if you live in the city?

Serita Cabell: I live in the city and my name is Serita Cabell. I was first going to get up here and talk about my position in favor of the ordinance and my professional level I'm a certified prevention professional and I teach kids every day and I have to deal with them on teaching them about the impact of drugs, and alcohol, and violence and I think that we can make more of an impact by making smoking abnormal rather than keeping it and letting it be the norm. But on the second half I have a personal story as being a single parent and a mother. People have gotten up here and talked about their rights and their freedoms, but with rights and freedoms there comes responsibility and I have had to show responsibility by taking care of my son and working and I feel that I should be able to work in a place that allows me to be as healthy as possible to be able to take care of my child and to be able to take care of myself and my family. Until recently I did not even have a job where I made enough money to pay insurance...I didn't have enough money to pay for insurance, but I made enough that I was not able to receive any assistance to help pay for that so my thoughts of things when I went out with my son were, well, we have to be careful in certain areas, we can only go here and there because we can't afford to get sick. Having an ordinance like this can only help those people that are stuck in the middle class or stuck in positions that do not have insurance, but they are forced to work and they have to work and they know as a citizen that it is their responsibility to work. It's up to us to pass this ordinance so that we are able to work in healthy conditions.

Commissioner Shetler: Thank you. Randy. After Randy is a Vera Blackman. Vera Blackman.

Randy Muston: Ladies and gentlemen of City Council and County Commission. I'm up here...I've heard and sat through the last meeting down at the courthouse and I've heard a lot of different things. You know, I'm a veteran, I'm a smoker. I think that the veterans' organizations need to be and other private clubs, that people pay their own money to join and make that choice, should be exempt. Also, I am against this smoking policy for another reason also. Primarily is the individual's rights. If everybody was so sure that this is what the community wants let's put it to a vote on the ballot. Let's quit trying to play dictatorship by nine people making a decision for everybody in this community. Let's put it to a vote. Thank you.

Commissioner Shetler: Thank you. Vera Blackman and the a Mr. Ted Clark. Ted Clark after Vera.

Vera Blackman: Good afternoon. My name is Vera Blackman and I am representing Teresa Carter who is a business owner. She is the business owner of Going Forward Beauty & Barber Shop. She is not here tonight because she had to go to a graduation with her son. This is what she said, she said:

"I'm a black woman who feels strongly against me or anyone else having to inhale someone else's cigarette smoke. What people do in their own homes is fine, but when it comes to my shop, my car, my kids, my family, no smoking is the only way. I don't smoke and I don't allow employees or customers to smoke in my establishment. As a business, having a no smoking policy is not a factor into my business sales and I don't believe it will affect other businesses in a negative way. I am strongly in support of the city and county civil passing an ordinance to ban smoking in public areas and work places. I feel that if you can't smoke in many places, then you hopefully be able to quit and not even smoke at home and subject anyone else to cigarette smoke. As a minority, I do agree with the majority. Most people do want to go to places and not have to be around cigarettes. I can say it in a polite way. I don't think people should smoke in public places."

This is from Teresa Carter. Now I want to speak on behalf of myself. I believe that I stand for the elderly, the young, and also those people who cannot speak for themselves. This is not necessarily an issue about smoking. This is an issue about esteeming other people better than ourselves. Right now we have to show other people love. We have to show love, more love for our children and also we must begin to have respect for our own bodies. Our body is the temple of the Lord. I speak from experience. I know it feels when I dress up, I put on deodorant, I go to a public place and I stink because of the smoke smell. So I just, you know, I wanted to just say I am in support of what you all do tonight. I want to say something about freedom, freedom, freedom. Oh, how I love freedom, but that does not give us the freedom to kill someone else along with ourselves. Thank you very much.

Commissioner Shetler: Mr. Ted Clark and then after that is Sherry Hurt.

Ted Clark: Good evening. My name is Ted Clark and I own Briar & Bean Tobacco Shop. I'll get right to the point. I urge you to continue the exclusion for the retail tobacco shops from this ordinance. My shop only sells premium tobacco, cigars and related accessories. We don't even sell the best produced cigarettes. Our only customers are those who enjoy premium tobacco products, a product of leisure and pleasure, not one of addiction. Premium tobacco, unlike mass produced cigarettes, could almost be considered an organic product, no chemical additives with the exception of fertilizers in the beginning of the growing season. Premium tobacco shops provide a very small segment of the community as a special place, a quite location where responsible adults only, of different backgrounds, financial means, race and religion can congregate and share a common pleasure, a premium cigar or a pipe. When we moved to our current location at the corner of Vogel and Burkhardt, the smoke shop was constructed with the thought of the ordinance similar to this coming up. The smoke shop has a completely separate ventilation

system with a state of the art smoke removers. To ban smoking in a premium tobacco shop, would be like telling a restaurant they can sell all the food they want just as long as none of the customers eat their food in their restaurant. It would make no sense. The following states and cities that exempted premium retail tobacco shops from their smoking ordinance include: Florida, New York, New Jersey, Massachusetts, California, even, yes, California excluded smoke shops, a lot of states. Some cities that excluded smoke shops: Louisville, Lexington, New York City, Cincinnati, even Bloomington and Indianapolis. In closing, we do not cater to children. We neither sell to or admit people under the age of 18. We do not cater to non smokers. They have no reason to be there. We are a destination location that caters only to those 18 and above who want to purchase and utilize premium tobacco products. Therefore, retail tobacco shops should be excluded from a non smoking ordinance. Vanderburgh County's proposed ordinance in its current form excludes retail tobacco shops and I urge you to continue this exclusion. Thank you very much.

Commissioner Shetler: Ted, let me ask you a couple of questions. Do you serve food or drink in that establishment?

Ted Clark: I had written here that I am not a restaurant or a tavern owner, but I thought I would run out of time so I shortened it. No, I do not.

Commissioner Shetler: Okay. Alright, thank you.

Ted Clark: You're welcome.

Councilman Melcher: Where do you live?

Ted Clark: I live in Henderson, Kentucky, but I own Briar & Bean and have paid property taxes here for 25 years.

Commissioner Shetler: Sherry Hurt and then Lisa Murt.

Sherry Hurt: I am a citizen of Vanderburgh County, a mother and a public health nurse. I support the smoke free ordinance because secondhand smoke is a very serious health issue. However, many seem to think it's a rights issue, so I would like to address that topic as well. Many citizens have expressed it is their right to choose to smoke where they want. It is a free country. The rights that are afforded our free country as stated in the Preamble to the Constitution are for the common good, not just for the elite, not just big business, not for a subgroup of the population, but for we the people. Not only is America a free country, but we are also a civilized country. As such, all of our rights must be exercised responsibly for the good of the public welfare. Even the inalienable rights of the U. S. Constitution must be practiced responsibly. We have the right of free speech, but the responsibility not to slander, incite or become a nuisance to others. We have the right to bear arms, but not in a manner that inflicts harm on other citizens. As individuals we even have the right to choose risky behaviors for ourselves, but must do so responsibly. We have the right to drink alcohol, but not the right to drink and drive because that may harm others. We have the right to bungee jump, but not the right to drag someone down with us against their will. American citizens have the right to smoke, but not the right to force this risky behavior on others. The service men and women of America, for which I have the highest respect, have put their

lives on the line to protect these freedoms and to protect our citizens from harm. However, I do not believe that even one of them risk their lives to protect a freedom for America that meant the right to do what you want even if it caused harm to another citizen. We must never confuse freedom with lawlessness. Nowhere in the United States Constitution, the Bill of Rights, the state or city legislation is any citizen in public or a private setting granted, much less guaranteed, the right to inflict harm on another citizen. Within our abilities with this ordinance we will fight to protect the American citizens from harm also inflicted by others to the tune of 53,000 deaths per year. Business owners have stated that they should have a right to choose if customers may smoke in their establishments. Again, these rights come with responsibility. The right to own a business allows owners to invite customers, clients, members and employees into their establishments. With that comes the responsibility to provide for these citizens' welfare. It is not new for businesses to be regulated. Regulations for food, safety, fire exits and cleanliness are just some of the requirements to protect the public welfare. The simple separation of smokers from non smokers within the same air space cannot eliminate the risk of exposure to secondhand smoke. I have one more paragraph can I finish?

Commissioner Shetler: No, I'm sorry. Alright, thank you very much. Leah Murt. Leah Murt...or is that Leah Hurt, I'm sorry.

Leah Hurt: It's Leah.

Commissioner Shetler: Yeah.

Leah Hurt: I'm actually finishing for a...I'm sorry. These were words given to me by my mother. I think they are very pertinent and as a member of the community and a citizen of Evansville for 20 years I would like to bring this to your attention. To the Council members, I was surprised to hear that some of our elected officials do not feel that this is the place for government. This is a very complex issue. Some citizens feel their right to smoke is threatened. Others feel their right to clean air is threatened. Businesses feel their freedom to choose is threatened, but most importantly it is a serious health issue. The definition of govern is to regulate. This should not be decided by popularity, ease or profitability. It is your duty, as elected representatives of Evansville citizens, to regulate that the right to smoke is exercised responsibly for the good of the public welfare. It is the right thing to do. Thank you so much for your time.

Tom Shetler: Thank you. Missy Singer.

(Tape Change)

Missy Singer: Thank you. Sorry. I have been working with Citizens for Smokefree Evansville for approximately two years on this issue to raise awareness about the ill effects of secondhand smoke and tobacco use. Tonight I'm going to share with you some of my personal experiences, as well as some of my professional experiences. I hope that our representatives that aren't here will watch and listen to the newspaper, to listen to some of the comments of today's representatives. Professionally, as a nurse practitioner, I have vowed to help promote the health and well being of others, for others to achieve maximum quality of life. This is what I'm doing here tonight. My job is to fight for all people who practice even the most

unsafe health habits. And, yes, it is their choice, but many times choices become addictions. And, truthfully, smoking and nicotine is an addiction by the definition. Eighty percent of the people who have unsafe health habits and addictions wish they did not. Of smokers, only one percent will actually be quit a year later. When I speak with my patients, and when I ask them, "Well, what got you started again?", many of them say, "I don't know. I was just out with my friends and we lit up." That is a common, common story over and over again. By allowing smoking in public places, we're allowing people to continue their addiction that is hurting them. Social pressures and social environments allow addictions to continue, and research has proven that this harms them and other people. I'm doing my job here tonight. What I would like to ask you to do is to do your job. Seventy percent of Evansville citizens, by a poll, have expressed a want to, sorry, a want to pass a comprehensive ordinance. I expect 70 percent of our representatives to then vote that way. There are many laws that I'm not fond of, but I know that protect me and my family. From a personal standpoint, my father had open heart surgery this year, at the age of 52. We are west siders and frequent Hagedorn's, Hilltop, St. Joe Tavern, St. Wendel Inn on a very random, on a very frequent basis. I remember the day that I went down to Hagedorn's and we ate breakfast, and I left and I smelled, and my two year old son smelled, and my parents smelled, and my dad had his surgery, and, I said, "Dad, as a health care professional, I advise you not to enter any place that allows smoking. I do not want you to smoke anymore, as a health care advisor." It was very difficult for me to tell my dad that he couldn't go to Hagedorn's and see Keith, and see Woody, and see all his friends. It also is very difficult for me to think that I won't be able to go to the St. Joe Inn because of the smoking that is allowed there, because I won't allow myself to do it anymore. I encourage my 30 something friends to not do it either. We are the people that are frequenting these establishments on a regular basis. We are the future of Evansville. We are the future who promote and are supportive of this ordinance, and I ask you to listen to the people who are going to be the future of this city.

Commissioner Shetler: Thank you. Elizabeth Volk, and then Rene Hicks. Do what? You're not going to speak at all then? Okay, sure. Elizabeth Volk has, she's going to yield to this gentleman.

Gary Cosby, Sr.: First of all ladies and gentleman, my name's not Libby, my name's Gary Cosby, Sr. I'm a Vietnam Vet and I can talk up, because I feel very strongly about what I'm speaking about tonight. First of all, this, I don't get paid for speaking. There's a gentleman here, quite a few people here that get paid for speaking. So, see, let's take them people off the bank roll here. Second of all, the Bible says, "Thou shall not put any other god before Me". There is not one person sitting up there that's God. You should not make the decision for Vanderburgh County or for the City of Evansville. I served my country. I served my country proud. It would be amazing to see, I know one man served his country. How many others served our country? It's not about country, it's about the small business owner. It's about the taverns. I owned a tavern. If it wasn't for my smokers, I couldn't have stayed in business. I couldn't have paid my utility bills, my water bills or nothing. So, where are we coming from here? This is not over the VFW, this is not over American Legion. This is over our rights. We are free Americans. We should have that choice. You're not giving us a choice. You're not even listening to a choice. Nobody won't even listen to a referendum. No, no, there's two, four, six, eight, ten people think that they have all the buying for 170,000 individuals. Well, contrary to your popular belief, not being rude, you don't. There is not a tavern, or a bar, or an organization around this town that says, "Beware of Smoking", everybody knows that

taverns smoke, organizations smoke. I just don't understand this. You people are not even listening to us. You know, it's like you already have your mind made up. You know, can you explain this to me and these other people. You know, seeing this little movie on here about this woman talking about, well, I couldn't go in the grocery store. Well, name one grocery store that you can walk in and smoke. You know, name one. You can't. You can't do it in Schnuck's, you can't do it nowhere. So, see, all of that is political bull crap. You know, and I don't get paid. Mr. Kincaid does though. I don't work for the Cancer Society. Buzz me off, guys. I ought to get the ten minutes he got, but that's alright. To sum this all up, it's not about, it's about the citizens, the taxpaying citizens of Vanderburgh County, it's not about ten individuals. We pay the taxes. Why don't we all stop paying taxes, and you guys pick up the taxes.

Commissioner Shetler: Alright, thank you. Rene Hicks, and after that it will be Dr. John Beman. After Rene is John Beman.

Rene Hicks: Thank you. Actually, I'm going to take this and talk at an angle, because I don't want to just address the representatives and turn my back on the people, because that's what it's about. It's about people. Because these are just your elected representatives. But, this is a government of the people, for the people, and by the people. I would like all the people here, who are concerned citizens, who have a complaint, who have a comment, and who is here expressing it, and taking part in the democratic process while other people just whine and sit their butts at home, please give yourselves a round of applause for being here and exercising the democratic process that makes this country great, whether we agree or disagree. Now, first of all I'm going to say that I'm a non-smoker. And, some of you may remember me, because I did some ads, because I have worked in Indiana as a comedian for many, many years. I was affected by secondhand smoke. In fact, I got lung cancer due to secondhand smoke, and I had a partial lung removal. Now, because I do not live here, I'm not here to tell you what to do, because my dad who was from the south, a Republican and a Pentecostal preacher says, "You don't come to somebody else's house and tell them how to clean it." So, I am not here to do that. But, I am here to tell you that secondhand smoke is a health hazard. I'm here to say that. I'm here to say that bars and restaurants and casinos and comedy clubs are offices to those people who work there. I think that to say that there should be exemptions for those bars, restaurants, and casinos, and comedy clubs, is to make those workers, myself being one of them, second class citizens. In America I don't think anybody here, for smoking or non-smoking, would consider that part of the American dream. I would like to say that people brought up a lot of things about freedom, and I love freedom, as the progeny of slaves, and somebody brought up slavery, let's talk about that. Slavery was private individual's right during the time. It was profitable for everyone. I have to say that. Our country wouldn't be the country it is today, if not for slavery. Now, I can say that, I wouldn't recommend you white people go out and tell people that, but I can say that. It was. But, it had to be abolished, because it was immoral. We have to look at things on all spectrums. My dad being a Pentecostal preacher, smoking is a health hazard. Some of my best friends are smokers, I don't want smokers to smoke, I don't want you to die. But, if you choose to do so, I support your personal choice, but please support mine. Don't take me with ya'. Don't take me with ya'. Don't take me with ya'. Don't take me with you. I love you, but don't take me with you. They say you have to smoke, you have to smoke in bars. Nobody smokes in church. If you can stop smoking in church, why can you not smoke in bars as well. I would like to just say, and I will close,

there's going to come a time in America, with all injustices, when you will look back and say, "Why did we let this go on for so long?" Thank you very much.

Commissioner Shetler: Thank you, Rene. Dr. John Beman, and after that is Phyllis, is it Phyllis Swanson? Swanson is the last name.

John Beman: Mr. Chairman, members of the County and City Councils, my name is John Beman. I live in Scott Township. I come tonight to speak in favor of the smoke free environment in our workplaces and our enclosed public places in Vanderburgh County. As a physician that has done ear, nose and throat medicine for the last 30 years in Vanderburgh County. I have direct experience in finding the effects of secondary smoke on children and adults. Particularly those who work in the environments that are heavily contaminated with smoke, and also the homes. Most environments can't clean the smoke well enough to protect them. Heating and air conditioning systems simply circulate the smoke, it does not clean it, it just circulates it. Open environments would be, obviously, more healthy. Environments with smoke eaters may be a benefit, but, again, it's recircled air. So, enclosed environments are an endangerment to those sitting near it. I've been interested mostly in respiratory tract illnesses, but also it has been proven in tests that even temporary short term secondhand smoke raises the heart rate and the blood pressure in an equal amount as those who are directly exposed to the smoke. Long term effects to both of them, obviously, are a little bit less involved with the secondary smoke, but, nevertheless, it increases our insurance, our medical costs to our community. A smoke free environment might be an inducement for outside industry, reducing their insurance costs. Thank you.

Commissioner Shetler: Thank you, John. Ms. Swanson, Ms. Swanson, Patty Swanson, and then Lynda Harris after that.

Patricia Swanson: Thank you for having us here. Can you hear now? Thank you for letting us speak. I am a resident of Vanderburgh County, a registered voter who votes every election. I'm also an asthmatic. I take maintenance inhalers twice a day, every day, morning and night. I never go anywhere without my emergency inhaler. I have heard people say they are afraid that if you pass the smoke free environment, they are going to lose money in their business, they will lose customers. I'm here to tell you they already have lost customers. I don't go to any bar in Evansville because of the smoke. It would set me off. Tobacco is one of my triggers. I would like to go hear some of the bands I read about. I would like to hear some of the jazz, and I can't. There are restaurants that have no smoking areas, and you walk in and you go to the no smoking area and you can smell the tobacco, and I start to choke. Go into California, California is smoke free all over. It's great! I can go to any restaurant, any café, any entertainment place, any bar. And, you know what? It's no smoking, but there's plenty of people there. It's kind of some pricey places, and some pop and mom places, we need to get into a healthier environment where everybody can go easily into any public area. I would like you please to support this ordinance so I can visit some of the places that I only read about here. Thank you.

Commissioner Shetler: Thank you, Patricia. Lynda Harris. Then after Lynda is Jack Kirwer.

Lynda Heines: Hi, my name is Lynda Heines. I am a life long resident of Vanderburgh County, Knight Township, and I have a personal issue or a personal thing with this is my dad died of emphysema when I was 17 years old of smoking.

We all know now that he didn't know about the dangers of smoking. What we're talking about here, we're talking about a lot of things, but for me we're talking about a health issue. As a non-smoker, and as child of someone who died of smoking, I'm really concerned about it, and concerned about it for me and also for those, for everyone, but I like to go places. The person before me really stole most of what I was going to say. I recently got back from New Mexico and California where we could go and go to bars, which I also enjoy listening to music, and that kind of thing. Also, going out to eat, and it's just we don't, we talk about rights, but I like to be able to pick and choose where I go and not have to eat other people's smoke. It is a health issue. Second hand smoke is an issue. It is something that we all know now. There's all kinds of research on it. I really hope that you will say yes to this ordinance. Thank you.

Commissioner Shetler: Thank you. Jack Kirwer, and then James Scott. Jack Kirwer and then James Scott.

Jack Kirwer: I know most of you, but in case you didn't know I live in Vanderburgh County. I do a lot of things in Evansville. So, I'm concerned about the smoking ban. I think we should have one. Just one of the things that I wanted to mention, I left these papers up with you all, and I think you probably read them, but the bars that are concerned about losing revenue, I think they're mistaken. They're just not, haven't read the reports. New York City they're, after, in 2003 they enacted a non-smoking ban and they're up to 8 percent now or 8.7 from the previous year. California, bar receipts have improved every year since the ban was enacted in 1997. I just think that it's something, maybe they haven't thought about it, but they actually, the receipts are going up wherever this ban was enacted. I would like to just put my two cents worth and say I hope you do pass it. I do think it should be passed with no exceptions. If you make any exceptions, then they're going to jump on that. I understand the private clubs. I belong to a private club and they're very concerned about this, but if you can pass it and exempt them, without all the bars in town turning into private clubs, then that would be a good trick. Thank you.

Commissioner Shetler: Thank you, Jack. James Scott and then Harold Pfender.

James Scott: My name is James Scott. I live in Vanderburgh County, Knight Township. One of the questions I've got is this smoking ban, public areas, like, for instance, can you go on a picnic and smoke? Because, or can you not? I mean, it's a public place. I mean, you can't cook your burgers, can't cook your hot dogs, that's smoke.

Commissioner Shetler: It's basically in enclosed areas.

James Scott: Now it's enclosed. Because I was not told this.

Commissioner Shetler: That's the way it's been.

James Scott: Because if you look at public, it's strictly public out places. Okay, then another thing is, is going to lose a lot of capital here. Because, you know, I just got done reading a lot of veteran groups are going to be coming here to see the boat, conventions, it's a lot of money. A lot of those people smoke. When they find out some of them can't come, none of them will come. I know, my mom had a business downtown, and she always made money on conventions and when the boat come to town, I mean, the river boats that come to town. We lose a lot. My other factor is,

I'm a veteran, and I raised my hand up twice, because when I had to go in the reserves and the regular Army for the Constitution for freedom for all. I was fighting for my rights, fighting for everyone rights, non-smokers and smokers rights. The people that own these businesses it should be their decision what to have in these businesses. It's not right for someone to come in there and tell them what to do, and how to do it. In fact, I just lost a nephew over there in Iraq who smoked, and, guess what, if he came home and said, "Hey, Robbie, I'm sorry, buddy, you can't smoke. Although, you sacrificed your life for everyone's freedom here. You can't go out to the bar and smoke." There's not much time, there's a lot more stories, I guess, but, anyway I know one guy, him and his wife they were practical, he smokes pipes, he walked out to a park there on a park bench, no one around him, non-smokers purposely walked up to him and sat next to him, "Would you put that pipe out?" Greg said, "Hey, dang it, I'm a Vietnam Veteran, I'm an ex-Marine, and I got wounded twice over there, I fought to have that pipe in my hand to smoke it. If you want to take that out of my hand, by God, there's going to be a war here." That's what he said. Knowing Greg, being an ex-Marine like he was. Like me, I feel the same way. I'm a soldier, and ex-soldier, I've, you know, served my country, could have sacrificed my life. My dad smoked. I smoke cigars, basically, but I'm fighting for the people's rights. When rights are taken away, that's what gets me. Because if you look at it, alright, smokers go into certain sections of the restaurants, they have to smoke outside Roberts Stadium, they have to smoke here, they've given up so much, they agreed, okay, we're going to give this up, we're going to give that up, we're going to give this up and that up. Now, they want to take it all. What's left? They just want it all. That's rights taken away. Freedom, people sacrificed their lives for this, and, you know, in fact, this country was founded on tobacco. People don't realize that. Sir Walter Raleigh, brought tobacco over here, that was the number one, that was the cash crop that was sent back to England and Europe and the Indians, you know. Well, anyway, that's what I got to say. I believe it's rights. Rights is being taken away. I don't like that. I mean, everyone should have rights. That's the way it should be. That's what I fought for, everyone's rights. Not just a handful. Not this group, not that group, but everyone's rights. Thank you very much.

Commissioner Shetler: Thank you, James. Harold Pfender, and then Sally Britt-Hill. Harold Pfender? Sally Britt-Hill?

Sally Britt-Hill: Hi, my name is Sally Britt-Hill. I am a resident of Vanderburgh County. I would first like to thank you all for hearing us again tonight. I know you've taken a lot out of your personal schedules. You've also welcomed us no matter what our opinions are, whether you agree with us or not, and you've suffered some personal attacks, and for that I apologize. You deserve better, as we deserve better. Some rules are created for safety. We have crosswalks for the safety of pedestrians crossing the street. We have speed limits, that regulate the speeds that we can travel. This issue should be no different. Rights issues are being brought up time and again, but we all do things that we don't necessarily like. Health codes are put in place for our safety. We've all heard the "No Shirt, No Shoes, No Service", isn't it my right to go somewhere not wearing shoes? But, I wear shoes to fit into society and to protect the greater good of the public. What about repealing the rule requiring sneeze shields on salad bars? Isn't it my right to sneeze wherever I want? No, because it's for the good of the people. If you sneeze on other people's foods, it's become contaminated. Restaurants wear gloves while they're preparing our food, wear hairnets while they're preparing our food. These are all health issues. Smoking is also. I have compassion for small business owners, and understand concerns, but other communities have proven that business will survive. It is your

duty to make decisions for the public. As elected officials, we're counting on you to protect the health of all citizens and visitors to our community. Seventy percent of your constituents want a comprehensive ordinance passed, and I urge you to do so. Thank you.

Commissioner Shetler: Thank you. Caroline Nellis, Caroline Nellis, and then Arthur Mengen.

Caroline Nellis: My name is Caroline Nellis, and I'm a resident of Evansville. We've heard remarks here tonight, they were written by Theresa Carter, a minority business lady. We also had a nurse who said on the remarks from Theresa, she mentioned that she does not allow her business, anyone, to smoke in it. She chooses a smoke free environment. We heard from a nurse who said she will not patronize any west side establishments anymore because they are smoking establishments. Both of those ladies are making choices. One chooses not to have a business where people smoke. Another one chooses not to support businesses that smoke. That is what America is about, making choices. I support their right to make those choices. I also support the right of other businesses to choose to be smoking establishments, and I support the right of smokers who want to patronize those businesses. This is America. This is a country that was based on the principles that individual choices, and the workings of the marketplace dictate how the country is run. It is not government intervention that makes our lives run their course. We have been a free country, and I think we are watching our freedoms die, falling like dominos in the last few years. I am seeing an America that I never expected to see in my lifetime. From the Federal Executive branch, that in the name of security does domestic wiretapping, data mines our telecommunications, one by one our freedoms are falling. They are dominos, and this is just one more domino.

Commissioner Shetler: After Art Mengen is Rita Mengen.

Arthur Mengen: Good evening. I'm here to promote choice. I'm a former smoker. I'm a resident of Vanderburgh County and a former professional entertainer that's worked in a lot of smoky restaurants, but perhaps you might consider, instead of restrictions, an incentive for people to do the right thing. My proposal would see a local option tax on tobacco products that would fund tax incentives for businesses that would want to be smoke free and give them incentives to do so. I think that would be a little more creative, let people have the choice to run their business the way they want, but they would be financially rewarded if they went and did the right thing. It would be more of an incentive program, rather than add more restrictions, which, you know, we already have reams and reams of restrictions on the books. But, I think if you hit a guy in his pocketbook in a favorable manner, it would induce him to do the right thing by letting people who want to run their business in maybe a non, or a counter productive manner, do so at their own cost. Just an idea. Thought I would throw it out. Thanks, guys.

Commissioner Shetler: Thank you. Rita Mengen? After Rita is Taryn Bush.

Rita Mengen: Good evening. I'm Rita Mengen. I'm speaking just for myself. I was a smoker for past age 60, and I'm here to tell you how stupid it is to be caught. We had the Lucky Strike Hit Parade, we had all these cool things back in the 40's, cigarettes were 15 cents a pack, and you can do yourself in real quick. I've had asthma problems, I've had sinus surgery, I get a cold with a bad cough that won't go away, and I want to remind the people that say our Council cannot make this

decision, they seem to have forgotten what representative government is. Thank you.

Commissioner Shetler: Thank you, Rita. Taryn, is it Taryn Bush? Taron? Tabre Yahskinner? Yahskinner, of 218 Madison? Alright, Keiaria Johnson, Culver Drive? Kelli Dempsey?

Kelli Dempsey: Good evening, I'm an oncology nurse practitioner, and I'm here this evening representing, along with two other nurses from our office, our oncology practice, our patients, our families, and several of the medical communities that we interact with. I interact with cancer patients, and their families everyday. It's a devastating business to be in. I know earlier somebody commented that they owned a restaurant and worked 60 to 70 hours a week, and that sounds about like what the doctor and I put in. I want to say that I have seen the devastations of smoking and second hand smoke on a daily basis. I also have heard a lot about the freedoms of choice, and I'm just not prepared to get in to all of that, except to say that my only son also is serving in the United States Army, he's an officer over in Kuwait ready to go to his second rotation in Iraq, and we both passionately believe in the right to choose. The right to choose what you want to do to yourself, but not when it causes harm to others. I don't think anybody's trying to take away the right to smoke, just not smoking where it could cause a problem to others. Thank you.

Commissioner Shetler: Thank you. Jon Klotz?

(Tape change)

Jon Klotz: First of all, I'm also a non-smoker. I understand that a lot of the cases in democracy the majority is going to rule, and this probably is going to happen, the smoking ban. I do work at a bar here in Evansville, one of the larger bars. I just wanted to say a couple of things; one, about 70 percent of our employees, past, present, historically smoke. Many people go to work in a bar so they can smoke at work while working, on breaks or whatever. So, I understand that a lot of people are saying the workplace, I don't know that that is applicable to a lot of bars. Restaurants, yes, bars, like I said, I believe a lot of them work there because they can smoke. We are a 21 and over establishment. I just believe that that should be exempt from your ordinance. I think, you could always go back later and try to grab that, but I know when they ran that survey, I noticed it was worded very broadly, "Do you support a smoking ban?" You know, a lot of people would say yes. If you clarified it and said 21 and over bars or patrons of bars, you might get a slightly different response. So, I believe that was a skewed result. But, anyway, like I said, I'm not absolutely against the ordinance anyway, I just believe that the 21 and over exemption shouldn't be on the table. I think you should concentrate on the people that are, the younger people. People come to our bar to drink. They don't have to come for any other reason, necessarily, just to eat or what not. But, like I said, I believe that the health issues are true, but most people that come into bars aren't usually overly concerned with their health. They tend to be there to forget about a lot of things, including their health. But, like I said, I believe the ordinance probably is headed towards passing, but I would ask that you exempt at least the 21 and over establishments that, we never require, we never allow anyone under 21 in the door any time of day from opening to close. I think that would be a prudent measure to do. So, thank you very much for your time.

Commissioner Shetler: Thank you. Polly Bigham, and Karla Sneegas. Yes?

Polly Bigham: Good evening, I'm Polly Bigham, I'm a resident of German Township in Vanderburgh County. I'm a registered voter. I care about cancer issues, and I do vote. The American Cancer Society thanks the Evansville City Council and the Vanderburgh County Commission for actively considering an effective smoke free work place policy to protect the health of our workers and residents. Second hand smoke is an important issue. Smoking not only harms the smoker, it harms those who breathe in second hand smoke, workers who work in smoking work places. Second hand smoke causes many deaths from heart disease every year. Even relatively low exposure significantly increases the risk of heart disease. Second hand smoke is responsible for 12,000 cancer deaths, 3,000 from lung cancer, annually. You've heard the statistics, but I don't think anyone has mentioned yet that there's a lot of good news about cancer and surviving cancer, but there's not good news about lung cancer. There's no screening for early detection of lung cancer. We don't have that now. So, it's really important to think about that issue. The only way to truly protect the health of workers or patrons from second hand smoke is a comprehensive smoke free ordinance covering all work places. It is important to understand that in many public places and work sites, workers in Vanderburgh County are regularly exposed to hazardous cancer causing chemicals from second hand smoke, and you can do something about that. We have the opportunity to do something about health and safety. We recognize that compromise is part of the legislative process, however, the City of Evansville and Vanderburgh County should not adopt a compromised smoke free ordinance that allows for the use of smoking rooms, separation of smokers and non-smokers, or ventilation. We cannot support compromises that have been proven not to protect the health and prevent future progress. Smoking rooms and ventilation mistakenly provide our citizens with a false sense of security, and suggest their health is still being protected, when, in fact, it is not. No one should have to choose between a paycheck and their health. Smoke free ordinances protect all workers from the health hazards of second hand smoke, without hurting business. The American Cancer Society supports everyone's right to breathe smoke free air, and we urge the City Council, we urge you to vote for this ordinance. Thank you very much.

Commissioner Shetler: Thank you, Polly. Karla Sneegas, Karla Sneegas, and then Susan Harp.

Karla Sneegas: Good evening. My name is Karla Sneegas, I'm the Executive Director for Indiana Tobacco Prevention and Cessation. We are the State agency that's responsible for implementing Indiana's Comprehensive Tobacco Prevention and Cessation Program. First, I would like to congratulate you for the courage to talk about this issue, and to educate the public about this issue. It is highly critical for our entire state. Tobacco is a huge burden for Indiana, and it's a huge burden for your own economy here in southwest Indiana. Last year the Indiana Hospital Association released a study that was commissioned and conducted by Price Waterhouse. It showed that Indiana has one of the top five health care costs burdens in the nation, and that smoking is one of the primary reasons that our health care costs are escalating and out of control. We do have choices, as has been pointed out, and I think that we have a choice in Indiana to make our economy healthier. You have a choice about making your environment healthier so that more businesses will decide to come to Evansville, to Vanderburgh County, and to make this their home. These types of companies are looking at the health of the community when they make these decisions. In fact, the Indiana Economic Development Plan that was recently released, if you want to take a look at page 28 of that plan, it suggests that as an incentive, communities pass local smoke free air laws as an incentive for bringing

business to your community. Just a couple of facts and figures I would like to add to your thoughts as you debate this issue. A lot of the workers that are not protected are the workers that are in the hospitality industry. A lot of those are women of child bearing age. In Indiana, there are 900 low birth weight babies born every year by women who are exposed to second hand smoke. In Indiana, there are 11,000 cases of asthma every year, costing us \$9,000,000 from exposure to second hand smoke. Recently, a new report showed that women, pre-menopausal women, women of child bearing age are at a higher risk for breast cancer because of their exposure to second hand smoke. There have been local laws passed in Indiana, 18 of them to date, Seymour was the last, last night. We now have about 30 percent of Indiana's population that is covered by local smoke free air laws, and I look forward to Evansville and Vanderburgh County being the next. Thank you.

Commissioner Shetler: Hold on just a minute.

Councilman Melcher: Do you live in Indianapolis? Where are you from?

Karla Sneegas: I live in Indianapolis. I work for the State agency that handles the tobacco program.

Councilman Melcher: What have you done, what has your group done on the State level, or the State legislators? Because some states have passed this. Where do you stand with them right now?

Karla Sneegas: That's a really good question. What is happening at the State level regarding this type of policy? The experience nationally is that states usually are not able to pass state-wide legislation until there are numerous local policies, like the one you're debating passed. I'll use Massachusetts as an example. Massachusetts passed a state-wide smoke free air law in 2004. They had 90 municipal laws on the books for smoke free air laws before they considered passing that law. So, the really important part is, of course, the entire public education process that takes place, and that is done best when it's at the local level. So, I think, eventually, we'll see that type of thing in Indiana, but it's probably a while off. Meanwhile, local economies can certainly take advantage of the opportunity to move forward.

Commissioner Shetler: Alright, thank you.

Karla Sneegas: Thank you very much.

Commissioner Shetler: Theresa Oser, no, I'm sorry, Susan, Susan Harp, and then Theresa Oser.

Susan Harp: Susan Harp, I'm a resident of the city. I've talked to most of you before on this issue. So, I'm coming to you today because the kindergartners I teach asked me to come talk to you, because they know that I am active in these kind of affairs. They said their parents will not listen to them. They ask their parents not to smoke, their parents tell them I'm the grown up, you're the child, I do what I wish to do. That is true, but these children don't have a choice. When they go to a restaurant, their parents take them there, they don't have a choice. I think we need to look out for those. They are our future. These children also said that it would be nice if you could ban smoking in vehicles, because that's a problem also. The other group I want to talk about are the 21 and 23 year olds. I heard some oohs and aahs in the crowd because I was talking about young children. But, I want to talk to you about

the 21 and 23 year olds that I've had conferences with lately. They cruise Green River Road in the evenings. I've been on several ride-a-longs with the City Police when they were stopped for other violations. They were asked, you know, we were curious after we like car load after car load of these age brackets, why aren't you out at the bars? They were not at the bars, because they did not like to smoke. They had nowhere to go. So, they cruised Green River. Now, the other one is that my father was a tavern owner, he was a non-smoker, he would have liked, very much, to have had this ordinance passed, if this were in his county, because he loved the drinking part of it, and he loved the socializing, but he didn't like the smoke. As a former smoker, I can tell you, 16 years ago I would have been sitting right here with these people, you kind of build this barrier, and you don't realize until it's too late. So, I'm asking you on behalf of the younger children who cannot make decisions, cannot choose where they go because their parents take them, and also for the upcoming future 21, 23 year olds to give them places to go where they don't have to sit in the smoke. Thank you very much.

Commissioner Shetler: Thank you, Susan. Theresa, Theresa Oser, Oser. Taraya Bush, or, I'm sorry.

Unidentified: What was the last name?

Commissioner Shetler: O-s-e-r. Alright, I'm sorry, I probably butchered that. If that's, I apologize.

Theresa Oser: My name is Theresa Oser. I'm a resident of the City of Evansville. I have a list here of some of the things that are found in cigarette smoke; ammonia, hydrogen cyanide gas, some kind of acid I can't pronounce. Oh, wait a minute, those are the things found in death chamber gasses. What do you know, they're also found in cigarette smoke. Nicotine is the most addictive, well, nicotine is more addictive than heroine or cocaine or alcohol. There have been a few people say that you can't smoke within 40 feet of a building, you can't smoke in your car, if it's on the building property, nothing in the ordinance says that. It does say, section two, chapter 8.42.02, number A12 says, "within a reasonable distance outside an enclosed area". So, the smoke can't get into the building. If a person is so controlled by their drug addiction, that they can't even make it to the door to smoke outside, then maybe they should try rehab in lieu of poisoning everyone else around them in the restaurant, or wherever they happen to be. I would also like to address the freedom of choice, I don't quite understand this, some of the things I've been hearing, an example I used last week at the meeting was, why not make drunk driving legal? The rest of us can just choose not to drive. There's a line between the freedom to choose and lawlessness. The freedom to choose does not include negligence, conduct in reckless disregard of another's rights, bodily injury, serious bodily injury, or attempted manslaughter. You know what, it sounds to me like cigarette smoking in public places is already illegal. As far as the businesses go, I went to have dinner with my grandson, my nine month old grandson, at a restaurant who allows smoking, I thought just in the bar. We were seated next to a couple who had two toddlers. Another couple came in and sat near our table and proceeded to chain smoke, in spite of the fact that there were three infants right beside them. They didn't care. There's no such thing as common courtesy when it comes to people wanting to breathe clean air versus people who want to smoke. I agree that there should be an even playing field for the business owners. You can ban smoking across the board, or maybe allow for separate, separation of restaurants with bars by separate and independent ventilation. I just don't understand, after knowing all

of this, and seeing all of these, how can anyone possibly believe that they have the right to poison the air that I am breathing, and that the children and other people of this city are breathing? Thank you very much.

Commissioner Shetler: Thank you. Tara Bush? Robert, is it Rith? It looks like R-I-z-h, I'm sorry.

Robert Riethe: I write like a doctor. My name is Rob Riethe, I live here in Vanderburgh County. Thank you for allowing me to speak to you today. I was asked to speak a little bit about second hand smoke. It's a difficult decision that the community here has in front of them and our leaders, but I think it's one worth making. What do we know about cigarette smoking? Well, tobacco smoke is directly linked to lung cancer. In fact, it causes about 90 percent of the causes of lung cancer. Lung cancer itself is the leading cause of cancer death in the United States, in both men and women. Unfortunately, it's a battle that we're losing. I deal with these patients almost every day. What about smoking in the home? Second hand smoke in the home has been shown to cause an increased risk of COPD, which is a combination of emphysema and chronic bronchitis, and lung cancer in the home. What about in the small businesses? Well, there have been some information and studies that have shown that in businesses that there's a lot of passive smoking. Those individuals that are exposed are at increased risk of those disorders, namely bartenders, waiters and waitresses. You know, since I'm a relative new attending, one of the most difficult things I've had to do as an attending, is to tell one of my patients and their family that they have inoperable lung cancer. When I look in to their eyes, I see finally the realization that this could happen to me, and now their lives are cut short. It's a terrible situation. So, what should we do? You know, tobacco smoke is a toxin. I think we should try and break the chain of disease in all areas. We should attempt to try and encourage people to stop smoking. We should encourage people to stop smoking in their homes, because of people in the home are directly affected by the smoke, such as the women and children and the rest of the family. Lastly, I do believe that trying to quit smoking and stop smoking exposure in the environment can only help our community. I think in the process we'll save lives, and I think we'll make a community which is already very beautiful, even better. So, thank you.

Commissioner Shetler: Thank you. Bookie Buchenberger, and then after that it's Ralph Meckley. Bookie Buchenberger? Ralph Meckley?

Ralph Meckley: Good evening. I applaud you gentleman and ladies for sitting here and listening to this. This can't be very pleasant. I would ask that the public remember the missing in action people here. Apparently, they just don't care. But, you know, I've heard a lot tonight, and it's been a real education. I heard the veteran card played, my father was a veteran, three of my cousins were veterans, I spent six years in the Marine Corp. Unfortunately, my father and my three cousins are all dead from lung cancer. You know, those little cigarettes they're talking about? That's called a marketing ploy. It gets you started, and you keep going. My mother used to be a heavy smoker. She quit, right after she had a heart attack. So, what's to think about? I mean, I'm really struggling trying to figure out what is even the debate. If I choose to go to a restaurant, I love the Deerhead, love scotch and water, and that red beans and rice, just to die for. But, basically, every time I go there, it's like somebody is taking, oh, let's say, arsenic, and putting it in my food, so I'm eating a little bit of it. Not enough to kill me right away, but as time goes along. Well, if this officer seen that, and he seen that happening, he would have to do his duty, wouldn't

he? I'm simply asking you to do the same thing. I have a choice of going to the Deerhead or not going to the Deerhead. I don't go most of the time. If I do, I sit outside, because I can't tolerate the inside, okay? It's simple. I hear these veterans clubs and the rest of the clubs saying that they can't, they don't want this, because it's going to kill their business. I really have a hard time understanding that, because I don't go there simply because I've got to be able to breathe. That's my choice, but how many other people are doing just the same thing I am. I guess, what very simply I'm asking is that you do your duty. You have the right to protect people's freedom, but you also have the duty to protect their lives. This is a choice that you have to make. It's not an easy one. I hear about the freedom of somebody wearing a seatbelt, he thinks he ought to be able to do that, not do that. That's fine. Don't give him the right to unbuckle mine. That's all I ask. Thank you.

Councilman Melcher: Do you live in the city or the county?

Commissioner Shetler: Ann Beal, and then Richard Cannon? Ann Beal, Richard Cannon. Ann Beal? Alright, Richard? After Richard is Fred Willman. We have just a few more to go, and I know we're right at 8:00, we have about four more to go, so.

Richard Cannon: I'll cut mine real short. Richard Cannon. I'm glad to see a united, consolidated effort here. That's an inside joke. I graduated from pharmacy school a long time ago, before the Cuban missile crisis, if anybody knows their trivia. Since that time there have been a lot of scientific advances. We could talk forever about what they've done in science and medicine. The life expectancy when I got out of college was 64, now it's 76, maybe, and going up everyday. Open heart surgery was just a dream at that time. My oldest son had a very rare form of cancer that he was the second child cured in America because of modern technology and science. We didn't know when I was in college the danger of cigarettes, and in 1962 the Surgeon General made his first report that smoking was harmful to your health, which about killed me because John Wayne smoked, and I wanted to be like the Duke. As time went on it became more and more evident that smoking was very dangerous to your health, and I had a heck of a time trying to quit. I finally did, and then in 19, the late '70's they discovered that second hand smoke was not only as bad as smoking, but worse. Because the smoke coming out of the end of the cigarette is not filtered like the smoke going in your lungs. As a matter of fact, it has a hundred times more tar and poison than the smoke going down your throat. I don't like government interference, I had bought a nursing home years and years ago that didn't have a sprinkler, wide hallways, fire escapes, we had people upstairs with no elevators, and the government didn't mind telling us what to do. We did it, but it was for the health of the patients. The man talked about the Bible, Acts and Romans both talk about obeying and relying on your government. That's what I think we're doing. In almost every case except the speed limit on the Lloyd, I agree with. So, I think you have the knowledge, you know, there's no question about smoking, the dangers, they talk about you can go somewhere where they don't smoke, well, I don't know where that would be. I would just add one thought that you might give these guys a year to work out something, some period of time where you don't just say, okay, tomorrow it's over, but work with these tavern owners and try to work out some kind of a system that they can grandfather it in for a while. Thank you.

Commissioner Shetler: Alright, thank you, Dick. Fred Willman, and then after that is Martha Caine.

Fred Willman: Good evening. My name is Fred Willman and I own one of the most competitive businesses you can possibly get into, the bar and food business. There's ads in the paper everyday, somebody will cut you down for a quarter. If smoking was not good for my business, I would eliminate smoking. But, I have about 70 percent of my clientele at night that smoke. So, do I want to get rid of 70 percent of the business? No. There's enough non-smokers in this room to open two restaurants, if that was popular. We collect taxes, we try to follow the law. I'm working on keeping I.D.'s checked, people that don't get too drunk, this is one more obligation that I have to take to keep somebody from lighting up a cigarette if this ordinance passes. All I ask is you go 21 and over. I don't care what you all do, just let me run my own business, that's it. Thank you.

Commissioner Shetler: Thank you, Fred. Martha Caine, and then after Martha is Denise Bartholomew.

Martha Caine: I'm Martha Caine, and I live in downtown Evansville. I'm representing the Tobacco Prevention and Cessation Coalition in Posey and Gibson counties. I'm here tonight to encourage the City of Evansville and Vanderburgh County to be leaders in public health policy in southwestern Indiana by passing a comprehensive smoke free work place, restaurant and bar ordinance. Elected officials in your neighboring counties of Posey County and Gibson County are watching very closely for the outcome of this ordinance. I have no doubt that what you do here will be a strong influence on whether or not Gibson County and Posey County will enact a smoke free ordinance. I would like to give you a perspective on the scope of the smoke free workplace movement, and the effect that it's having across the country. According to the Americans for Non-Smokers Rights there are ten states with state laws in effect that require 100 percent smoke free restaurants and bars. There are 2,216 local smoke free laws in effect throughout the United States. Many of the top tourist destinations throughout the United States are smoke free, including; Boston, New York, San Francisco, and Los Angeles. Studies conducted in these cities have concluded that tourism has not gone down after the passage of clean indoor air laws. Tourism is actually going up in these cities. Attracting people to our region and retaining our many college students here is going to prove difficult, if these people can go elsewhere and avoid the dangers and personal intrusion of tobacco smoke in public places. If we don't keep up with more progressive areas of the country, we can not expect to grow and thrive. IUPUI announced last week that their campus is going entirely smoke free. This is a sign of the times and a sign of what young people, what young college age students want. So, I strongly encourage you, be a leader and an example for this part of our state, and do what is best for our economy, and enact an ordinance that will protect all workers, including those who work in bars. Thank you.

Commissioner Shetler: Martha, do you live in Evansville? Did you say? Alright. Denise?

Denise Bartholomew: My name is Denise Bartholomew, and I'm a resident of Vanderburgh County and live in the county. I'm a former smoker, and have been smoke free for 12 years. I'm also a veteran. For the last eight years I have taught smoking cessation classes, and have lead the only quit smoking support group in our area. Obviously, I empathize with the plight of the smoker. I understand the deep addiction that nicotine has over smokers. I have read all the letters to the editor in the Courier, and I attended the first hearing for this proposed ordinance last Thursday. As we have all seen and heard, there is deep emotion and high passion

on this topic. I am in strong support of this no smoking ban, and I want to make sure you understand, truly understand how it feels for the non-smoker who cannot tolerate second hand smoke who lives in Evansville, Indiana. The smoker has absolute free reign in Evansville. They can go anywhere they choose, anytime they choose, they only need to step outside to smoke if it is a non-smoking establishment. They still get to socialize, eat dinner, listen to music and dance. Every 20 to 45 minutes they will need to step outside and smoke. Then they get to come back in. A minor inconvenience. I, however, along with numerous friends and family members who cannot tolerate second hand smoke, am limited as to where I can go. It's a Friday night, we would like to go to the Deerhead and listen to jazz, nope, can't go there. How about the new Club Royale off of Franklin that has some great music and bands? Nope, can't go there. How about a pizza and game of darts at Smitty's? Nope, tried that. How about some chicken wings at Buffalo Wild Wings? Uh-uh. We have to think long and hard where to go. If we choose to go to the smoking establishments, we all pay the price with labored breathing, burning eyes and scratchy throat, which usually carries over into the next day. I also want to address a recent letter to the editor where a bar owner states that while she doesn't smoke, she is against the ordinance. According to the University of California Berkeley School of Public Health, for every two hours you are in a smoky restaurant, you have smoked four cigarettes. So, to the non-smoking bar owner or employee who puts in an eight hour shift, you are smoking close to a pack of cigarettes. You are indeed a smoker. Just not the kind who inhales the smoke from the end of the cigarette. Finally, I would ask you to contemplate this, pretend for a moment there is no smoking. The cigarette was never invented. Say someone tried to introduce it today into our society, do you think it would get legalized? If not, why not? I'll tell you why not, lighting just one cigarette in a room violates the Clean Air Act. I know it's legal, but because it was legalized a couple hundred years ago doesn't mean it was ever right. We just didn't know how really bad it was for us. Now we know. We know how really bad it is for us. Help the non-smoker to join the smoker. Let us socialize together. We will sit patiently and without judgement while they step outside to smoke. Let the non-smoker enjoy all the clubs and restaurants that Evansville has to offer. Let us all work together in harmony to enjoy and celebrate our city, to be proud to call Evansville our home. Thank you.

Commissioner Shetler: Thank you. Now, I would like to take this opportunity first of all to thank you all for being so polite and respectful today and for listening to both sides, and listening to the debate. I give the opportunity now to any City Councilmen or Commissioners who might want to address the subject on their own. I don't know if anybody wants to raise any questions or say anything or make any points.

Councilmen Melcher: Right now I don't know if there's going to be any changes in this ordinance or not, on either side, but I think the tavern owner, one of them got up here this evening and said they were meeting, they were wanting to know if they could still come back and give some of their proposals. Since I've been on the Council for 15 years, we've always gone back and forth on helping people and trying to come to a common good for everything. So, I'm hoping that the City Council side will at least let them make their proposals, and if it fails, it fails, or passes, it passes. I think that the right, I don't know about the County Commissioners. I kind of feel like they should have, and I would say any group that would like to come and bring some proposals. So, I know the City of Evansville, I think, Steve, wasn't it 1998 when we passed the smoking ordinance? So, we've had it for eight years, and I don't think a few more weeks, or whatever, and I'm willing to come to as many of these meetings as it takes to make sure that everybody has their say, and everybody has

their input, you know, right or wrong. Then what happens, we vote on it, and we move on. Thank you.

Commissioner Shetler: I want to call Councilman Steve Bagbey up, or Angela, okay. Councilman Koehler-Walden.

Councilman Koehler-Walden: That's okay, Koehler-Walden. I have to keep both names there, it makes my husband happy. I just want to encourage and ask anyone that was not able to speak tonight, or perhaps the news media can help us in continuing to publicize, we understand that we could never pick a night where everybody could be here that wished to speak. But, please do continue to contact us. You can e-mail the City Council at citycouncil@evansvillegov.org. You can contact us through the City Clerk's office, and the phone number for that is 436-4996. So, please do urge those folks that were not able to come out, that we are still taking public opinion and public comment on this very important issue. We just thank you all for being here.

Councilmen Steve Bagbey: First off, I would like to thank the County Commissioners for this opportunity for us to come here this evening, to have an exchange of ideas and views. I think what we will see on the city side, as this meeting concludes, we will have discussion, or at least I will have discussion with the Council. I think I hear a voice loud and clear. I will tell you that there will be some changes in the proposed ordinance, but, I am not going to tell you that I'm going to dish away or throw away the smoking ban, as some people call it. I think you need to read the ordinance, a lot of stuff that you have heard, and a lot of people are gone now that really should be hearing this, is totally incorrect. It's totally incorrect. It's not a ban, it's a prohibition, I guess, whatever you want to call it, but government works the very best when government works together with it's people. Some folks say, that, well, Bagbey, you need to have a vote. Send it to the election and have a vote. Well, folks, I'm going to tell you this ol' boy from the southeast side will make a decision. I don't have to go by public opinion polls. The day that I have to decide on issues by the polling, then I will leave public office. The last thing I would say, I encourage dissent on any issue, because dissent is how this country was founded. The thing that disturbs me the most about this issue, of all the issues that I've handled or been involved in for what, Steve, 15 years now, is the personal attacks, and attacks upon my family. You can come at me, brothers and sisters, who disagree with me, but my family is off guard and off limits. I understand from addiction, and I understand how addiction plays. My dad died of a massive stroke at the age of 56 in a Veterans Hospital, and he smoked four packs of cigarettes a day. I remember those days, and I've got my cousin out here and he knows what I'm talking about, because his mother died of the same thing. I don't know where it's going to go, but it will be fair, and it will be fair to all, but if I'm going to tell you that it's going to please everybody, no. But, we have to do it for this community, and I thank you.

Councilman Jarboe: This is just easier for me, so, I thought I would come out here. Just real quick, I mean, first of all, I've learned a lot. I've learned a tremendous amount over the last two hearings. Things that I thought I knew. Things that I didn't know. Everyone has pointed something out to me. I can see all sides. I understand government of the people, for the people, and by the people. It's all the people, not some of the people, but all the people. I promise you, we are not finished here. Our work just starts, because now we have to go through what you have educated us with. The information that you've given us, and we need to sort through that and find out what is best for all the people of Vanderburgh County and the City of Evansville.

I look forward to that challenge. I promise you, no one, no one will be left behind. We will take everyone's comments. I know a lot of them that had been written down, but all of them have been listened to. So, I promise you, we will listen. We have listened, and we will make the best decision for you, because it is your government, and it is your city and your county. Thank you for participating. I appreciate it a lot. I did learn a new word tonight, pecker wood. I've got to look that one up. But, thank you all.

Commissioner Shetler: On the Commission side, I will tell you, we have all, we're keeping an open mind, we want to work together with the city. This is probably a first, maybe in the State of Indiana where the County Commission of one party is sitting down with the City Council of another party and trying to work out something that we feel is in the best interest of our entire county. We're working hard to do that. I've had a good time in that I've been able to go to two smoke free communities just to observe those things in their bar rooms and stuff. So, I've enjoyed that aspect of going to Lexington and going to Indianapolis and talking and interviewing with the bartenders and the patrons and stuff over the last couple of weekends. So, this issue is just beginning. I hope that in the next few weeks, maybe the next month or so that we're able to come out with something that is favorable to everyone. So, thank you very much. I appreciate you being here.

(The meeting was adjourned at approximately 8:10 p.m.)

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Steve Bagbey	Steve Melcher	Angela Koehler-Walden
Keith Jarboe	Joe Gries	Madelyn Grayson
Ted C. Ziemer, Jr.	John Hamilton	Robert Stayman
Daniel Josey	Barbara Hancock	Harold Beecher
Vince Hill	Terry Andry	Larry Pile
Mary Beth Nalin	Kelly Bowman	Karly Bowman
Pete Gallion	Douglas Fox	Johnny Kincaid
Robert Stevens	Catherine Engel	Mike Young
Jack Eagen	James Taylor	Serita Cabell
Randy Muston	Vera Blackman	Teresa Carter
Ted Clark	Sherry Hurt	Leah Hurt
Missy Singer	Gary Cosby, Sr.	Rene Hicks
John Beman	Patricia Swanson	Lynda Heines
Jack Kirwer	James Scott	Sally Britt-Hill
Caroline Nellis	Arthur Mengen	Rita Mengen
Kelli Dempsey	Jon Klotz	Polly Bigham
Karla Sneegas	Susan Harp	Theresa Oser
Robert Riethe	Ralph Meckley	Richard Cannon
Fred Willman	Martha Caine	Denise Bartholomew
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

CITY COUNCIL OF EVANSVILLE, INDIANA

**Steve Bagbey, Chairman ASD
Committee**

Steve Melcher, Councilman

Angela Koehler-Walden, Councilman

Keith Jarboe, Councilman

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons, Teri Lukeman, and Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 6, 2006**

The Vanderburgh County Board of Commissioners met in session this 6th day of June, 2006 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 June 6, 2006 meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Bill Fluty: Bill Fluty, Vanderburgh County Auditor.

Madelyn Grayson: And, Madelyn Grayson, Recording Secretary.

Bill Fluty: Oh, I did it again.

President Musgrave: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the May 23, 2006 Commission Meeting Minutes &
Approval of the May 23, 2006 Smoking Ordinance Meeting Minutes**

President Musgrave: Do I hear a motion to approve the May 23rd Commission meeting minutes, and the special meeting minutes.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Vision-e Quarterly Report

President Musgrave: We have here today Mr. Jim Holderread to give us the quarterly update for Vision-e. Welcome, Jim.

Jim Holderread: Thank you. It's a pleasure to be with you today, and to thank you for the financial support that you generously give Vision-e, the Evansville Regional Economic Corporation. We have been very busy this spring. My report covers the last quarter. We have done lots of marketing, in terms of advertising. We've placed ads in publications like Midwest Real Estate News, Heartland Real Estate Business, and Expansion Management. We were notified, by the way, that Expansion Management magazine, which is a publication that goes to corporate real estate executives, has selected the Evansville metro area as a five star quality of life region, metro area, and that will come out in the next issue, which is the May/June issue. So, we were happy to receive that information. We have had several visits from companies during the last quarter. We have been very busy with ethanol plants. We have visited with two companies that have come to the area with rather large facilities, both are looking at sites in Posey County, and both are very serious about making it happen. So, we expect to see something in the way of big ethanol plants happen in Posey County. They're both looking for sites close to the river, so they can use river transportation for the facilities. One of the interesting things that they might do in the Evansville-Vanderburgh county area is put lots more grain trucks on the highways. So, that might be one of the down sides. We've been working with a food research facility, and that's looking at, the company is looking at a site in the north part of the county. We think that looks very good. We've also been working with a location consultant who is representing a plastics company that's looking at the area. That also looks very promising. We've been working with a couple local projects. Both of those are coming along. We have a number of projects that are pending. A meat processing plant is one of those that is in the study stage. We also have a corporate back office that's in the study stage, and another food related project. We have a couple facilities that are in the done but not announced stage. One is an Ag research facility. Another is a drug testing facility, and those projects are essentially done. We've been busy with information calls. We've answered many. Also, we have completed the ACCRA cost of living survey for the first quarter of 2006. The ACCRA survey had been done by the Chamber of Commerce and we took that responsibility over the first of the year, and now we have, our first survey has been published for the first quarter of 2006. The composite index for the survey is 94.3. The median for the survey is 100, so, we're pretty proud of that number, and it makes the area look very good, very competitive. We've been tracking projects that we have worked over the past year. We are proud to see the steel going up on the Shoe Carnival distribution center across from the Vanderburgh Industrial Park. In the Vanderburgh Industrial Park we have noted that Tenneco is, Tenneco Automotive is moved in, they've set the machinery, and there are workers cars outside, and it looks like a real plant now. We're proud of that. So, with that, we have continued our efforts to attract and retain business in the area, and I would be happy to answer any of your questions.

President Musgrave: Any questions? I don't think we have any questions. Thank you very much for your report. I certainly would like to see a copy of Expansion magazine when it comes out.

Jim Holderread: Will do.

President Musgrave: Alright. Thank you very much.

Jim Holderread: Thank you.

Permission to Open Quotes:

**VC06-06-01: Drainage Improvements and Repaving: Pinehurst Dr.
VC06-06-03: Diamond-Smith Road Bridge #2000 Embankment Repair
VC06-06-04: Schmuck Road Culvert #659 Replacement**

President Musgrave: If it's alright with the County Engineer, I would like to go ahead and make the vote to open the quotes, so that those can be getting started while we're waiting here. So, we have, it looks like three sets of quotes here. Is there a motion to open them as listed on the agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Economic Development Coalition Resolution

President Musgrave: We'll now move on to the Economic Development Coalition Resolution. Ed Hafer is here on behalf of the coalition to introduce the resolution.

Ed Hafer: We were discussing who was going to speak, but apparently you already knew. Good afternoon, I'm Ed Hafer, a member of the Task Force that has been studying how we might better organize our efforts to attract new jobs and new capital investment to our region. With me today are Scott Moye, a Commissioner from Posey County. Posey County passed this resolution some time last month, and Sally Rideout Lambert from Warrick County who is, along with Mayor Jonathan Weinzapfel, the Co-Chairman of the organization that's being formed. Also, Commissioner Musgrave and Commissioner Shetler, along with former Commissioner Suzanne Crouch have been involved in this effort, and we certainly thank you for all that help. The effort, as I said, is centered around the need to create a regional economic development organization, composed of representatives from Vanderburgh, Posey, Warrick and Gibson counties. The reasons are really three fold; one is the need to create new jobs, two is the need to stimulate tax revenues and localized spending, and third is to effectively compete with our competition throughout this region, as well as the Midwest and beyond. The benefits of the coalition are numerous. We would be a single voice to promote the entire region, the entire four county area, along with economic development, other initiatives that affect transportation, infrastructure, taxes, and the like. It would be a far broader base for fund raising. Vanderburgh County contributes significantly to, along with the City of Evansville, to economic development efforts. If they could spread that cost out over a four county area, it's going to be to everyone's advantage. We'll provide a stronger and faster response to inquiries. Jim Holderread knows well the importance of a timely and quality response when people come looking. How would it differ from the efforts that are currently underway? As I've said, it will combine multiple entities, most of you have probably seen this goofy, as I call it, chart that had like 28 or 29 different organizations participating in economic development throughout this region. It looks kind of funny and everything, but it is a real depiction of what's been going on. It will give us a broader base for fund raising, which I think is good. I'm sorry, the State of Indiana, the other how will it differ, those as well as, the State of Indiana is going to be a partner in this. While

I can't tell you, because I don't know, the depth and breadth of their involvement, they have committed to provide technical and financial support to the new organization. It will also provide for active participation by the business community of the four county area, as well as the governmental leadership of the four county area. The new organization will be a public-private partnership, a not-for-profit corporation. It will have a board of directors comprised of representatives from all four counties. A board of directors of approximately 50 to 55 people, as well as an executive committee and other committees. It will have a staff of six or seven specialized professionals, and all in all we expect it to be a world class organization. We've begun the search for an executive director. That field is narrowing. We are close to having face-to-face interviews with the first, or with a group in Evansville, within the next two weeks. That will narrow down, we certainly expect to have that decision made here in the next month or so. There will be an announcement, I'm probably giving away some of it today, but there will be an announcement on June the 26th to sort of roll out the organization, give the community the details on it. Today we're asking for a couple of things; one, your support of a resolution that has already passed in Gibson and Posey counties, the only other two counties it's been presented to so far, and your consideration of two appointments that you will have. One, a member of the Commission, and secondly an appointment by the Commission to the new board of directors. With that, I or Sally or Scott would be happy to answer any questions you may have.

Commissioner Nix: I had just one, Mr. Hafer. I'm just curious, you had mentioned these 28 other groups, has there been any talk about maybe, I don't want to use the word consolidation, that's a bad word nowadays, but any talk about putting some of these groups within this group here at all?

Ed Hafer: Oh, absolutely. It will, I mean, some of these groups aren't going to go away. Like the universities and whatever, but it will certainly take on certain roles that they have. There are other organizations, such as Vision-e, that will mold into this. In fact, Vision-e, over the next six or seven months will, the new organization, at least on a temporary basis, will be taking over the space currently occupied by Vision-e and certain other business equipment and things like that. The current employees of Vision-e will be molded into this group. Efforts relative to work force initiatives, you know, will be a part of this. Grant writing and things that the recently organized QE2, I believe, consideration is being given to that moving in under this umbrella. So, yes. Not that those 20 other organizations will become one, but the functions that those 20 organizations, many of those organizations are, the activities that they are currently involved in will mold into the new organization. I gave you a pass out also of the fact sheet on this. It has more detail than I've gone into today. Yes, Mr. Shetler?

Commissioner Shetler: It sounds to me as if, instead of really just eliminating various different groups, that really what we're doing is setting up a new TO so that it's clear who's at the top and that the direction that they're getting from the top going down, so that you can utilize, better utilize the universities and specialized groups to do specific tasks.

Ed Hafer: Absolutely. I mean, you can look at those 28 organizations and say, "This is great that we've got 28 different organizations that we can call upon for help.", and it will always still be that way.

President Musgrave: I understand that counties all over the country are forming up into multi-county regions, and there are several here in Indiana. In fact, I think I saw an announcement of another one in southern Indiana just last week.

Ed Hafer: The, I believe the announcement that you saw was southeast Indiana, the Jeffersonville-New Albany area, which has been, you know, organizing sort of just a couple of steps in front of us. The announcement was actually that, you know, they've already rolled out their organization, but the announcement was that they have hired their executive director. So, yes, I mean, areas around Indianapolis, the South Bend-Mishawaka area, Allen County, I think there's a five county organization up there around Ft. Wayne.

President Musgrave: Commissioner Nix, do you have the resolution?

Commissioner Nix: This is a resolution supporting regional economic development:

"Whereas, the Vanderburgh Commissioners (the "Commissioners") are committed to enhancing economic development activities in a four (4) county region defined as Gibson, Posey, Vanderburgh and Warrick Counties in the State of Indiana (the "Region"); and Whereas, the County Commissioners recognize that the Region offers tremendous opportunities for investment from businesses which are located both within and outside the Region; and Whereas, in June of 2005, the Southwestern Indiana Economic Development Task Force (the "Task Force") was established with a mission to further advance the economy of the Region in collaboration across public, private and non-profit sectors; and Whereas, the Task Force has reported that while the Region is a diverse marketplace overflowing with potential, efforts to capture new investment and to rapidly respond to business issues are hindered because there is a lack of coordination between economic development initiatives within the Region, and Whereas, economic development must be elevated from a purely local to the regional stage with a focus on business attraction, retention and expansion; and Whereas, in order to attract new business investment and to retain and expand existing business investment, the Region should immediately act to establish equitable and shared economic development principles and convert these principles into action; and Whereas, the Task Force has recommended that a umbrella organization be formed, to be known as the Economic Development Coalition of Southwestern Indiana, Inc. (the "Coalition"), to serve the economic development needs of the Region with to build on past accomplishments and harness the Region's energies and collective resources in a more coordinated manner; and Whereas, the Coalition is a non-profit corporation which will be overseen by a Board of Directors comprised of elected officials from each county in the Region, prominent business leaders, educators, workforce development and transportation providers and others positioned to support the needs of existing and prospective investors in the Region; and Whereas, the Coalition will be staffed by persons versed in regional economic development initiatives whose mission will be not only to further investment in the Region in its entirety but also to support the economic development efforts of each of the counties comprising the Region; and Whereas, the Coalition will act to develop and implement new strategies to modernize the Region's economic development structure and better align the Region's public,

private and not-for-profit sectors; and Whereas, the Coalition will act to properly coordinate and eliminate costly duplication of certain activities such as data gathering, marketing material development and target industry intelligence, which will allow economic developers to devote a greater percentage of their time and money to productive service delivery and economic enhancement and provide a mechanism for lead sharing and project tracking with the Region; and Whereas, the formation of the Coalition will enhance the Region's business climate and enhance the ability of public-private leadership to speak as one resounding voice to state, federal and local governments, philanthropic institutions and others. NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth above, the Commissioners support and encourage the formation and mission of the Economic Development Coalition of Southwest Indiana, Inc."

President Musgrave: Is that a motion?

Commissioner Nix: Yes, it is.

President Musgrave: Is there a second?

Commissioner Shetler: I was going to ask you to repeat the motion?

Commissioner Nix: You don't want to.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you for bringing us the resolution. I understand you have one more county to go to, and tomorrow you'll be at County Council.

Ed Hafer: Just giving them a report.

President Musgrave: To give them a report. That "to do" list that you set for the four county region is impressive, but I have every expectation that the coalition will work very hard to ensure that we continue to grow and compete, not only locally, but state-wide and nationally. So, we're here to help, and we'll appoint the members when it looks like it's about ready to go. Please let us know.

Ed Hafer: And we thank you for your support.

Commissioner Nix: Thank you.

President Musgrave: Thank you.

Commission to End Homelessness: June 2006 Progress Report
--

President Musgrave: Commission to End Homelessness. Is Luzada Hayes here today to give us an update on the commission?

Luzada Hayes: Good afternoon. I'm Luzada Hayes, and I'm the executive director of **Aroua**, but I'm also the resource coordinator for Destination Home. With the support of the Commissioners back in December of '04, they established an ordinance that created the Commission on Homelessness. That's a joint venture between the county and the city. The commission has been active. Destination Home implementation began in January of '05, and the commission began meeting in June of '05. They have met fairly regularly monthly since that time. Commissioner Shetler is the representative from this body on that group, and the leadership of that body rotates yearly. So, Mayor Weinzapfel has been the Chair of the group thus far, and on Thursday, Commissioner Shetler will take over Chairmanship of that committee. Destination Home, and I'm not sure, Commissioner Musgrave and Commissioner Nix, if you have the actual ten year plan, but I can most certainly provide that for you, if you haven't seen the full document, is basically a comprehensive effort. We began planning how to end homelessness in our community back in July of 2002. It took 29 months and over 200 community volunteers to actually put Destination Home together. We are the second community in Indiana to actually develop such a plan. So, like I said, since January of '05, we have been busy trying to implement. In your packet you have the progress, thus far, since January of '05. Basically, the first year strategies were focused on promotion and getting the word out, community awareness about Destination Home, what it's purpose is, and the many strategies that are available for other groups, organizations. It will definitely take the whole community to end homelessness. So, the first year was basically focused on getting the word out. In March of this year, we actually were able to hire an educational specialist, and her sole role is promotion of Destination Home and the educational strategies that it contains. Another big piece of the plan is to increase coordination of existing services. The plan called for several strategies along those lines. We are in the process of developing a Homeless Youth Council that will look at the very specific issues that homeless youth have, and how, what strategies need to be developed to address their needs. We have a local management information system that 19 local agencies are using. That will give us data to be able to measure success, and determine the benchmarks as we progress through the plan. Increase training for existing providers was another one of the strategies, and we have Bridges out of Poverty training that should be, it has been funded for the first year, and will begin in the fall, as well as a training and certification committee that is developing a curriculum for the individuals that work in our existing homeless shelters to improve their education levels, how to deal with the individuals that are coming into shelters, as well as create a local certification program that will help them as they go forth and maybe get other jobs. We're really looking at how to increase the employability of some of the people that are currently working in the homeless system. Then, developing resources is another huge effort. A back to work program was established in 2005. They were able to renovate 25 donated bicycles. I'm sorry, 42 bicycles, and give them to homeless veterans, to help them be able to get back and forth to work. There's also, prevention is a huge piece of the plan. We're currently working on a rating scale that will identify individuals that are at risk of losing their housing, and will level that risk. With that level there will associated interventions that need to take place in order to keep housing in tact for that family. Housing is a huge piece of what it will take to end homelessness. Supported housing is a local model that has generated much success across the country. So, ECHO Housing has committed to the development of 100 units of supported housing, single room occupancy over the next three years. I've also listed our strategies for '06. These are the things that we're working on. The prevention piece, the commission has actually established a community discharge policy committee that will establishing a discharge plan for any individuals released from public institutions that currently

they are using homeless shelters often as their discharge plan. The federal government, HUD, says that that should not be. That individuals leaving institutions should not be discharged to homeless shelters. So, the community, that committee is working to develop a community plan for that. We're moving forward, and the last page of your report is actually a result of other cities that are showing measurable and quantifiable results in actually reducing the numbers of homeless in their communities. So, right now, we're one of about 200 across the country that are in the process of implementing their plans to actually end homelessness. I would be glad to answer any questions, and thank you for your support for this effort.

President Musgrave: Well, thank you very much for coming. I don't have any questions. Are there any?

Commissioner Nix: I was just curious, how do you measure? I mean, I'm sure it's pretty hard to do from time to time. Is there, is this something you look at once a year? Or is it something that you continually look at?

Luzada Hayes: We traditionally have done a point in time surveys at least twice a year, and the Department of Metropolitan Development is instrumental in getting those surveys completed. So, we know what our average, on average we have 400 individuals on any given night in emergency shelters or transitional housing programs. So, we will be able to monitor that as new resources are developed and the prevention programs are put into place to actually, we'll be able to watch that number decrease. A lot of the reports are street counts. They can measure how many were homeless, living on the streets, and, hopefully, that number goes down as well.

President Musgrave: Thank you very much for coming, Luzada.

Luzada Hayes: Thanks.

Permission to Award Quote: Green River Road, Phase III

President Musgrave: The County Engineer, permission to award quotes for Green River Road, Phase Three, and Cross Pointe Boulevard.

John Stoll: Today I just have the one contract for the Green River Road, Phase Three project. It's with Bernardin Lochmueller, and Associates, and it's for the amount of \$243,000. I had the County Attorney review the agreement, he found it acceptable from a legal perspective. Basically, it defines the scope of work between Heckel Road and Millersburg Road, widening and elevating the road, including the construction of the new bridge. If any of the specific tasks outlined in the agreement aren't used, then we just wouldn't be billed for those services. So, it's an amount not to exceed \$243,000.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: I understand that the engineering work will proceed this summer, and perhaps this will go out to bid next year sometime.

John Stoll: Probably the middle of next year, somewhere in that neighborhood.

President Musgrave: And at that point then the public will begin to see activity perhaps in the road after that?

John Stoll: Correct.

President Musgrave: So, there is a long lead time. Did you want to say something? We have a motion and a second, all those in favor?

All Commissioners: Aye.

Commissioner Shetler: I'm sorry, excuse me, I was going to mention that this does coordinate though with everything that's going on at Millersburg, Green River Road and then as well as Phase Two and Phase Three.

John Stoll: Correct. There is an item in the Phase Three agreement that you have before you that is set up to have Bernardin Lochmueller coordinate the plans between section two and section three to combine that into a single construction contract, in hopes of minimizing any kind of traffic problems, as well as saving the county some money. But, everything will be done and this contract will tie into what's going on already with the design that's taking place at Green River and Millersburg.

Commissioner Shetler: I might point out that a lot of this has been facilitated because of Commissioner Musgrave's work on getting the TIF program expanded and going in to get the extra money. So, it's not really county money being used, nor is it federal money, but it is the TIF money that's being utilized in order to speed up the project and try to consolidate this all into one deal so that people were with a very limited amount of being put out of the road for a short period of time, hopefully.

John Stoll: Right. If we were using federal funds, this would drag on for many, many more years than doing it with the TIF funds.

President Musgrave: I think the original projections showed for these two phases to be done in 2015?

John Stoll: That sounds right.

President Musgrave: And we will get them done in 2009, which still seems like a long way off—

Commissioner Nix: Or maybe before.

President Musgrave: —or maybe before. So, that cuts six years off, and I'm very, very pleased to see that happen. Hopefully, we won't have very many more incidents of deep flooding like we had, when was that, in February that we had to close the road?

John Stoll: February or March.

Commissioner Nix: March.

President Musgrave: Through the engineer's presentations, they were discussing raising the road anywhere from three feet to even nine feet at a certain bridge. So,

there will be significant elevation, depending on the final designs of the road, and I know we'll hear about all of that probably eight, nine months from now.

John Stoll: Yes, that agreement does set out for some public information meetings. So, that way the plans can be presented to the public, and, at that point we would know more specifics as far as the elevation and the location where the most significant raised in elevation will be.

President Musgrave: Okay.

Commissioner Nix: He seconded.

Commissioner Shetler: Yes, I seconded.

President Musgrave: Alright, we have a motion and a second. All those in favor?

All Commissioners: Aye.

John Stoll: I should have the Cross Pointe agreement next week.

President Musgrave: Okay, we look forward to that.

**Request to Close Portion of Ridgeway Avenue: Block Party
Request to Close Portion of N. Kentucky, Mt. Pleasant &
Baumgart and Browning Roads for 5K Run (Bob's Gym)**

President Musgrave: We have several requests to close roads. To close a portion of Ridgeway Avenue for a block party, and a portion of North Kentucky Avenue, Mt. Pleasant Road, Baumgart Road, and Browning Road for a 5K run. I understand that the Sheriff and the engineer and our attorneys have reviewed these. Do we have a certificate of liability for the Ridgeway Avenue, or does that determine not to (Inaudible).

Ted C. Ziemer, Jr.: We don't ordinarily require that from a neighborhood, but we should get a certificate of insurance from Bob's Gym for the other.

Madelyn Grayson: They did supply that. Do you need to review that?

Ted C. Ziemer, Jr.: I beg your pardon?

Madelyn Grayson: Bob's Gym did supply the certificate of insurance.

Ted C. Ziemer, Jr.: Okay, I hadn't seen that. I can take a look at it.

President Musgrave: Okay, pending the acceptable review of that certificate, is there a motion to close the roads as requested?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Public Hearing for Aabel's Park Subdivision Barrett Law Project

President Musgrave: This is the time for the Aabel's Park Subdivision Barrett Law project. I understand that Mr. Ziemer has been working on this.

Ted C. Ziemer, Jr.: Yeah, thank you. Yeah, today is the advertised public hearing date on the declaratory resolution, which was previously adopted by the Commissioners, for a Barrett Law project to improve sewers in Aabel's Park Subdivision, and at the United Methodist Church, and four lots on Erskine's Lane. There are a total of 42 lots, two of which are owned by one individual, and there are 41 buildings on the 42 lots. Previously, the County Engineer has filed with the Commissioners his estimate of costs for the project, which was for \$337,000. Just a comment on that for the Commissioners, that in a project like this, should the low bid for this project turn out to be higher than the maximum estimate, that we're now, that has been submitted by the engineer, then the county's choices are to either scrap the project, start over again, or to pay the difference out of other county funds. So, we've been very careful to try to estimate on the high side so that we believe the estimate will exceed, at least we anticipate that it will exceed, the maximum low bid for the project. Notice of this meeting was given by publication, and also by mailing notices to all of the property owners involved. I have to deliver to the Auditor today, my certificate of mailing to all of those property owners, with their names and addresses attached to the certificate, plus the green return receipts showing that we did, in fact, we know that they were received by all of the residents involved. So, the appropriate thing now, Madam Chairman, Madam President, would be to open the public hearing and ask if there are any remonstrances, or any comments regarding this.

President Musgrave: Alright, this opens the public hearing on the Aabel's Park Subdivision Barrett Law project. I now call for remonstrators, and please state your name and your address when you come to the microphone.

Jim Thomas: My name is Jim Thomas. I am not here to remonstrate, so, if you want me to give some opening comments on behalf of the committee, I would be glad to do that. I live at 9911 Old Petersburg Road. I'm Jim Thomas. Our committee was formed with Nelson Bailes, myself, Vicki Hebert, and A.P. Drennen, originally. The project kind of developed back in the spring of '04. It further developed in the summer of '04, and has then moved along since then. Basically, originally it was eleven people who wanted to go together and privately fund their sewer project to bring sewer extension into our area for a need that we have. After other neighbors found out, certainly about that activity, they wanted to join with that. So, it kind of grew into a larger group of about 21, and then kind of into our subdivision. So, at that point, including myself, there was a financial situation of did we want to put all of that money up front, or quote, kind of pay as you go with a Barrett bond, which seemed reasonable to many people to do that approach. With that said, it was recommended that we look at that, we did, and that's how we've arrived today at asking for a Barrett bond for our service area. Personally, I've met more times than, I've lost track of the countless meetings, discussions with probably well over 60 percent of the 42. Other committee members have certainly spent a lot of time on this themselves. There are a handful of neighbors that I did not speak with personally. If I did, it may have been

once, but we have spent countless, countless hours on this project. I think the neighborhood, as a whole, certainly, truly realizes the benefit to this long term. It's a long term investment to our neighborhood, and to our 42 people in this service area. We have an irritating problem with some properties that have been shared with us, and this is a long term investment to resolve that, versus continuing to repair or, "replace", for several thousand dollars, systems in our subdivision where we're located. We have a very nice subdivision. We have very nice homes, and have very fine neighbors. This has not been an easy project. We've had a lot of support for it, and we've had a handful of folks that have had some genuine concerns. We have listened to that, and I've personally listened to them, and I do understand some of their feelings, and I certainly understand an overwhelming majority, 85 to 90 percent of the folks who do want the project. Balancing all that out, I personally would never ask my neighbor to do something that I wouldn't do. I think this is the correct thing to do as a whole. On behalf of the neighbors, I would certainly like to thank all those involved at this point to help us get to this point. Andy Easley has spent a lot of time to get us to this point. For the neighbors who funded some up front money to even get this process going, which was very difficult. I want to thank them also on behalf of the committee. On a personal note, in closing, the committee realizes that as neighbors we are undertaking an important and a very significant project for our neighborhood at Aabel's Park. Everyone's cooperation, help and understanding is very critical, and it's appreciated by their neighbor. For all of us, the committee can assure the neighbors who have signed for immediate hook-up, which is approximately at least 17 to 21. We want to thank our other neighbors for their support, and for those who have concerns, I want to ask them tonight for their support again, even though the cost has, quite frankly, dramatically went up the last two years. I acknowledge that, as part of the spokesperson for the committee. It is a big investment, but it's, after talking to appraisers, four of which in our area, I feel affirmed that we are doing the right thing. Thank you.

President Musgrave: Thank you, sir. Are there any other individuals here wishing to speak? Please come forward, state your name and address.

Jerry Murphy: Jerry Murphy, 2411 Southeast Browning Road. I apologize if I repeat something that Jim said, but the audio is not very good back there, and I'm also hard of hearing. I'm in sticker shock. Dramatic cost increase, yes. Four hundred percent. Jim, mentioned that the original project was undertaken as a private project. It was. There are a number of us in the area that have septic systems that are in good shape, working fine. Personally I've been in four different homes with septic systems, never had a major problem. I know there's a number of people that have problem systems in our subdivision. I stated this before to Jim and other people, they should have had them fixed, but they didn't. The real, what I want to mention to you is the fact that this project started out with \$82,000. That was in the latter part of '04. March of '05 it went up to \$192,000. Now, I know you folks and the City Engineer, is he still here? Whoever, are not involved in these estimates. But, this is what the homeowners were told. We were going to expend money based on these estimates. Now, please don't talk to me about estimates. I'm very familiar with estimates and firm quotes and all those things. So, in April we were told that the project is now at \$273,000. A month later, in May, \$337,000. I am retired. My wife is retired. I believe of the 40 some residents in the area, I think at least ten or 12 of them are retired. We live on a fixed budget. My current estimated cost, I do not have \$8,000 available to buy a new sewer system. I would have to mortgage my house, go through the Barrett bond, take the monthly payment, or yearly payment, whatever. If I calculate right, that's almost \$20,000 for me. \$20,000. That's a lot of money. That's the point I want to make, and the impact on some of the people in our

subdivision. I know there are people that need and want, and everybody says, "Well, you know, sewers are, everybody needs a sewer." Well, fine, okay. That's the end of my discussion on the costs, and you can understand what it does to retired people. Whether or not we'll ever recover that from our home when we try to sell them is questionable. I had two questions, and I think this gentleman answered one already, and that was, "What happens to project cost over runs?" If I understand you right, there won't be any.

President Musgrave: Before—

Jerry Murphy: Or there are a couple of option.

President Musgrave: Before he answers that question, we need to change the tape on the recording device. So, if we could just take a little time out.

(Tape change)

Ted C. Ziemer, Jr.: There cannot be any cost over runs. The project has to come in, together with the engineer's expenses and so forth, at less than \$337,000.

Jerry Murphy: Okay, that's the other. Do we have an established interest rate that we're going to be dealing with or not?

Ted C. Ziemer, Jr.: No, sir. I can tell you that it is not yet established. If the Commissioners determine to confirm the declaratory resolution today, then bids will be taken for the actual amount of the project. Once the bids are taken, we'll know what the actual cost of the project is going to be, which, as I said earlier, it's anticipated to be less than \$337,000, then the bank will be able to determine what the interest rate will be, depending on whether the owners of the lots to be assessed elect to be assessed for ten years, 20 years, or 30 years, or wish to pay up front. If, for example, a number of owners pay up front, that will reduce interest for the others over the period of their respective pay backs.

Jerry Murphy: Fine.

Ted C. Ziemer, Jr.: But, we don't know that yet. I think the anticipation is, as I recall from talking to some of the neighbors, is that most intend to request a 20 year assessment period. If that's the case, the interest rate would be based on a 20 year repayment, after considering those who pay up front, if any.

Jerry Murphy: I understand. Okay.

President Musgrave: Thank you, Mr. Murphy.

Jerry Murphy: Thank you very much.

President Musgrave: Is there anyone else to speak?

Matthew Winkler: Hello, my name's Matthew Winkler, and I'm actually not here, I'm here on behalf of my mother and my late father. Their address is 10115 Southeast Browning. I'm actually here to support, you know, this measure. My dad's been wanting to get sewers for 20 years out there. I don't know, I heard something about 11 people, but this guy had some comments, I mean, sticker shock, that's why I don't live in McCutchanville. I was looking at houses in the early 90's and, you know,

housing's been really going up. Everything's going up, but, and nobody likes it. I don't like it, but, that's, you know, that's why I didn't go out there and pay those high prices, and I live in town in a cheap house. But, anyway, as far as the survey, there's things that, you know, I grew up out there. I've lived there since the late 50's, and I've seen all kinds of things that I can point out to anybody, there's a lot of newer people. My mom and dad was retired. My mom is on her own now. Actually, when the development went out that way, and one of the things that got sewers out there was, something that I'm going to bring up was the development of the golf course. When they started doing the bulldozing and everything of the drainage ditch that goes between **Veahy** and Southeast Browning, it goes under Petersburg Road, let's see, which direction is that? West, but all of that erosion and mud and everything came down and filled in the ditch. My dad was having trouble, he had like a drain for his septic system and a drain for part of his gutters. We had to dig them out. They were covered up, you know, because of all the development. So, you know, they dredge it, that goes to another problem, they were talking about they were going to, one reason they didn't want to do it because they had to put a pumping station in and it raised the cost. Well, now they're going to go over the ditch, right?

Unidentified: Yes.

Matthew Winkler: Okay, they're going over the ditch. My question with that is, you know, I understand it's going to be a plastic pipe, I wonder how much clearance there's going to be? Is there going to be any structural support for the pipe in the open if kids run across it? Anyway, for debris, you know, to keep stuff from damming up. That's actually my question there. I would, this might be a homeowner thing, but there is a utility pole, I'm bringing up, you have to understand here, I'm bringing up things that my dad told me, and I'm trying to kind of fill in for him. So, pardon me if I'm not all the way established here. But, there's also a culvert between the proposed route and my dad's house, and there's a utility pole there, and that thing, he showed me one time, he stood there and just shook it. You know, the transformer's up there. I mean, nowadays they bury everything, but, I mean, they say you have to call the utility company or something, but I didn't know. There was, my dad told me there was comments from the committee members and everything that they might be able to get the culvert repaired and all that done. So, that was my question. The other thing, there's a lake, nobody mentioned about a lake, okay, and there's houses around the lake. Like I said, I grew up out there, and there was tons of kids and we used to swim, and there was, a lot of times there was problems with, I guess, it was wet weather or what, drainage into the lake, you know, and scummy stuff, and they would have to chemical it. So, that's something with these aging, I mean, most of these houses were built in the late 50's and the 60's, I think, so, the systems, I don't think anybody's replaced any that I know of. They're getting old, and it is a sticker shock and it is double if you pay by the, you know, the year. Like anything else, you know, I paid for a house, you're going to pay a lot of money. Let's see, can I say anything else? I was going to ask about the bond and the numbers, which I added some stuff up here, I thought the numbers were different, but after I added the hook up and the \$400, I think it come out to \$8,000.

President Musgrave: Okay.

Matthew Winkler: Let's see, that, I think that's all I have here.

President Musgrave: Okay, well, thank you, Mr. Winkler. I think your engineering questions are going to have to be directed to the engineer.

Matthew Winkler: Yeah, this isn't the place. Okay.

President Musgrave: Alright, but thank you for your comments.

Matthew Winkler: I was going to say, you have to understand, I'm trying to take up where my dad left off.

President Musgrave: Alright, the engineer is here today, so you can probably address this to him.

Matthew Winkler: So, I guess, I was just here to support it and point out those other things about the lake. It's a health thing and everything like that too, you know.

President Musgrave: Okay.

Matthew Winkler: Thank you.

President Musgrave: Thank you. Are there any other speakers? Sir? I have one here, and then you'll be next after that. Please come forward, state your name and address.

A.P. Drennen: I'm A.P. Drennen. I live at 2227 Southeast Browning. Forgive me. I am, the house that I own sits in a valley where there are five leaking septic systems that eventually run onto my property, across my property, into the lake, and then down through a culvert ditch, which goes into most of my neighbors yards. The water that is in the lake is contaminated. It is full of ecoli. I've lived there for almost 20 years, and when we first moved there we were able to swim in the lake. At this point it is too dangerous. The fish that are in the lake are contaminated. It is not a good system. I'm here to support this resolution.

President Musgrave: Thank you very much.

A.P. Drennen: Thank you.

President Musgrave: The gentleman in the back? Is there anyone after this gentleman who cares to speak? Okay, I'll take the gentleman in the grey t-shirt, and then in the white.

Ken Colbert: My name is Ken Colbert, and I reside in an historic home at 9700 Erskine Lane. In fact, the previous owner of my property, Albert Hahn, was the one that developed Aabel's Park in 1953, approximately. I had some challenges in regards to Mr. Easley. We did not see eye to eye perhaps on this project initially. In fact, I had written a letter about a year ago to the County Commission with some of the concerns. Those have since been resolved. It primarily was an issue where my wife and I are putting geo-thermal into the back of our multiple acre property, and having a sewer line coming across was not practical. So, with the abutting property owners there was an easement granted, which now solves my problem. We do embrace the fact that the sewer is coming to our community. I'm a realtor by trade, commercial realtor. Property values have continued to increase approximately three to five percent in the McCutchanville area. This is definitely a positive thing for us. There was a comment made about the lake, it is accurate that the fecal matter composition is extremely high in that lake. It is primarily because of irresponsible people around the lake that are not taking care of their septic systems. That is a concern. I have other property currently that's on Barrett Law, some investment

property, so it does work, from that perspective. So, I do support it. I would also want to mention that I also have multiple tax codes on my property. I want to make sure that I'm not assessed for each tax code number. That there's only one home on the property.

President Musgrave: I don't know the answer to that.

Ted C. Ziemer, Jr.: I do. Tell me which, I think I've got it here.

Ken Colbert: The address is 9700 Erskine. I had, there were three tax codes and I actually had one of them consolidated into the second one.

Ted C. Ziemer, Jr.: Just one second here.

President Musgrave: You're encouraged to consolidate them all.

Ken Colbert: I understand that.

Ted C. Ziemer, Jr.: Yes, you are just going to be taxed on one tax code, because your tax codes have been combined.

Ken Colbert: Well, actually I have two tax codes now. There were three, I now have two.

Ted C. Ziemer, Jr.: Yeah, you're going to be taxed on one tax code.

Ken Colbert: Okay, that's in the minutes, right?

Commissioner Nix: He just said it.

Ted C. Ziemer, Jr.: There are 42 lots that are going to be assessed. One person is going to be assessed twice, because they have two separate lots on which homes can be built, and two separate tax codes. Everyone else is going to be assessed once.

Ken Colbert: Thank you. Right answer.

President Musgrave: Thank you, Mr. Colbert. The gentleman in the grey t-shirt.

John Hartz: My name is John Hartz. I live at 2431 Southeast Browning Road. I'm not going to stand up here and waste a lot of time, but Mr. Murphy you talked to, the first gentleman, and I am just reiterating what he's been saying, that the prices went up astronomically. Yes, the lake is polluted. I'm on the lake committee. I've been on the committee for about seven years. It's bad. The people that live around it should have had their stuff taken care of initially, but they didn't, and this is not going to fix the problem, because the lake is polluted. I just think that this is ridiculous, to force something down someone's throat that doesn't want or need it. That's all I needed to say. Thank you.

President Musgrave: So, you're speaking in opposition?

John Hartz: Yes, I am in opposition.

President Musgrave: The gentleman in the back. Is there anyone else who wishes to speak? I see, is that two or three? One there, and the lady? Two, and you'll be last two speakers? Okay.

Nelson Bailes: My name is Nelson Bailes. I did live at 10144 Southeast Browning. I just recently sold my house, and that's the reason that I wanted to speak today, because Mr. Murphy had mentioned about the prices of the houses and how it would affect the real estate costs. I've been in Aabel's Park for 20 years. I originally moved in there to a house across the street, and then later on I bought an acre across from the house I lived in and built a new home there. We have had problems with the septic systems there ever since I moved there originally. When we had families there, which when my kids were home, my original septic system worked fairly well until it was really wet, and, of course, then it ran over into the creek a little bit. Which always worried me about that, but the thing of it is, I just sold my house. The gentleman that bought my house, he was extremely concerned about the operation of the septic system. Of course, we had it tested, and I'm sure anybody else selling in that area will have their septic system tested. Had my septic system not been working properly, it would have cost me well more than what people are going to be paying for this sewer, to have it repaired or have it rebuilt. So, I feel like that anybody that's selling their property there, it's going to increase the value of their property. Certainly, it gives you a comfortable feeling that if the project goes through, the people that moved into my home feel that if something happens to the septic system, the sewer will be available to them. So, it certainly does effect price of your property and the sellability of your property. Thank you.

President Musgrave: Thank you.

Aaron Peckenpaugh: My name is Aaron Peckenpaugh, 9901 Old Petersburg Road. My wife and I are currently building a home out there. We've been building our home since about August of 2004. So, it's been quite a while, where we actually are at a stand still. We stopped building because of the sewer. The septic is grand fathered in, but our property actually is on the lake. We have the lake, we have some lake frontage. The overflow for the lake, there's a ravine in the back of our property that the overflow comes out. We just had twin girls about a year ago, so, very concerned about the contamination of the lake, any part of that. The cost of putting the sewer in is just going to continue to rise. I mean, if we don't do it now, it's just, you know, just going to keep rising. I don't know that we really have a choice other than, you know, just fixing the problem and putting the, you know, biting the bullet and going with the sewer. I mean, I've talked to a lot of Realtors and they even mentioned that, you know, if you even talk to a client and as soon as you mention a septic tank, you know, a lot of people just don't want to mess with them. The property value will increase with the sewer, I know it will. It will pay for itself. I'm just very much looking forward to getting this resolved and finishing our house and moving out there, and then, you know, enjoying it out there.

President Musgrave: Thank you. The last speaker? This gentleman behind you, sir, is speaking. And you'll be the last speaker.

Mike Belloli: I thought I was going to be the last speaker. My name is Mike Belloli, and I live at 10140 Southeast Browning Road. I'm new to the area, just moved in a year ago this June, as a matter of fact. I think it's about time we moved to the 21st century and get a sewer system in there. And to readdress the other people's concerns about that lake, I would lake to use that lake, and I won't even go anywhere near it. So, we need it desperately. I'm all for it. I think had people been

together way back when it probably wouldn't cost as much now as it did, it could have been cheaper back then, I think. Anyway, I'm for it. So, one more to the plus side.

President Musgrave: Thank you, sir. And now the gentleman in the green shirt.

Ted Sterne: I'm Ted Sterne. I live at 2323 Southeast Browning Road. I've lived out there for 46 years. When I first moved out, for the first ten years I had a lot of trouble with my septic system. Then I learned how to handle it, and I have had no trouble since then. I do believe that other people can do the same thing. I feel also that this would not have come up had it not been for the church and someone who sold a lot, and the people had built a house on it with the promise that they would have a sewer. That's all I have to say.

President Musgrave: Alright, thank you. We've heard from the remonstrators both for and against, and at this time is it appropriate to make a motion to consider the resolution?

Ted C. Ziemer, Jr.: Yes, I did want to make one comment. If the Commissioners adopt this final resolution today, then if 40 percent or more of the 41, or the 42 lot owners out there file a written remonstrance to the Barrett Law, setting forth the statutory grounds, then this matter would go to court. I'm telling you this so that you're fully aware of what your rights are. That's my information on that. Now, the Commissioners, if you would want to conclude the public hearing portion of this meeting, and then following that, if you wish, you would approve the resolution, which would find that there are 41 lots with buildings on them in the area, that the maximum cost for the project is \$337,000, and that, it's your opinion, or your finding, that the benefits to the property liable to be assessed are equal to the estimated maximum cost for the project. If you so find, that will then begin the five day period, and following that, which would probably be at our next meeting, you would authorize the proceeding with the bidding, and set a bid opening date. I don't recommend that we do that until after the next meeting, to see what happens in the next five days.

President Musgrave: Alright do I hear a motion to conclude the public hearing and outlined by the motion as described in Ted Ziemer's comments?

Commissioner Nix: So moved.

Commissioner Shetler: I'll second. I look at this as one of those quality of life issues, much like the smoking issue that we're dealing with for the last month. It's one that I think will enhance the neighborhood, and take care of the neighbors out there. I think it will help the value of their property. So, I think it's something that will enhance the county at large, and not just specifically that neighborhood. So, I would second that.

President Musgrave: Alright.

<p>Resolution No. CO.R-06-06-017: Final Resolution Regarding the Construction of the Abel's Park Subdivision Barrett Law Project</p>

President Musgrave: So I'll call for a vote on the motion to confirm the declaratory resolution. All those in favor, please say aye. Does this call for a roll call vote?

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

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Thank you all for coming. We'll likely see you again in the future as this moves forward.

**Resolution CO.R-06-06-015: Regarding Public Sale of Certificates of Sale
Approval of Notice of Publication of Sale of Tax Certificates**

President Musgrave: We now have another resolution, CO.R-06-06-015, regarding the public sale of certificates of sale in Vanderburgh County. These are properties that have failed to sell on two consecutive tax sales and now arrive at the desk of the Commission for disposition. Mr. Ziemer will discuss.

Ted C. Ziemer, Jr.: Yes, and if you approve this resolution, then you would also, by approving the resolution you would be approving the publication of notice of sale of the tax certificates. The notice would indicate that the sale would occur on September 21, 2006 at 10:00 p.m. in the City-County Administration Building.

President Musgrave: 10:00 a.m.

Commissioner Nix: A.M.

Ted C. Ziemer, Jr.: Oh, pardon me, what did I say?

Commissioner Nix: 10:00 p.m.

Ted C. Ziemer, Jr.: I'm sorry, 10:00 a.m., 10:00 a.m., pardon me.

Commissioner Nix: Nobody would show up.

Ted C. Ziemer, Jr.: That's what you'll be doing if you approve the resolution. I do want to point out that anyone who wants to learn more about the sale, can go on their computer to <http://taxcertificatesale.evansvillelegis.com> . Again, that's <http://taxcertificatesale.evansvillelegis.com> , and you can see more information about the sale.

President Musgrave: And, as we did last year, we will be accepting redemption of those properties up until a specific amount of time before the sale, and I can't remember the exact number of days, but we'll make announcements as time goes by. So, if your property is on that, you must redeem it before then, otherwise, it will be sold on September 21st at 10:00 a.m. Is there a motion to affirm the resolution?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Do we need a roll call vote for this one?

Ted C. Ziemer, Jr.: No. Madelyn, you do have the publication?

Madelyn Grayson: Yes, it's scheduled for this Friday and again June 16th.

Ted C. Ziemer, Jr.: Okay, good, thank you.

Resolution CO.R-06-06-016: Approving the Transfer of Cable Franchise & Agreement to Modify Cable Television Franchise (Charter)

President Musgrave: We have another resolution, CO.R-06-06-016, this regards the transfer of a cable franchise. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, Charter Communications is currently the holder of franchise which serves approximately 80 people in Vanderburgh County to provide cable connections for them. That franchise expired in August of 2004. For some reason was never extended. They have continued, notwithstanding the expiration, to pay the county the five percent franchise fee, to which the county is entitled under the terms of the franchise agreement, as amended by letter agreement. They then contacted us and indicated that they want to sell the franchise to New Wave, to Charter Communications, let's see who they want to sell it to, to Telecommunications Management, LLC, who does business as New Wave Communications. They asked that the county consent to that transfer, which is required under the terms of the agreement. I advised them that the county, in my opinion, or at least I wouldn't advise the county to do that so long as the, Charter, the franchise had expired. A representative of the company then contacted Commissioner Musgrave, they've discussed that, and subject to approval by the Commissioners, I've prepared an agreement which would extend the term of the franchise for 18 months, until December 31, 2007, and in addition to that, by adoption of a resolution, you would approve your consent to the transfer of the franchise from Charter Communications to Telecommunications Management.

President Musgrave: Any questions?

Commissioner Shetler: Do we receive any income?

Ted C. Ziemer, Jr.: We receive a five percent fee per connection annually.

Commissioner Shetler: Does anybody have any idea how many dollars that's bringing in?

Ted C. Ziemer, Jr.: It's about, I've seen a couple of numbers, it's like \$47 a year or something. There are only 80 connections. So, it's not a big money maker for the county.

Commissioner Shetler: Time to renegotiate.

Ted C. Ziemer, Jr.: Well, under state law, five percent is now the maximum and the minimum fee that can be charged. By the way, effective July 1st, the state is taking over all cable television, and the county will no longer have to grant franchises for that.

Commissioner Shetler: This is it. Alright, so moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

County Attorney

President Musgrave: Mr. Ziemer, I understand you've prepared a contract for employment for Carla Hayden.

Ted C. Ziemer, Jr.: I did. It's for temporary, well, yes, temporary employment for the 6th, 7th, and 8th of June, for eight hours per day, at \$12.00 per hour, which I think comes to a total of \$288 during that three day period. So, it's not to exceed that amount, no overtime is to be included. This is to be paid out of contractual services. The contract, should you decide to approve it, is satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Shetler: This has been approved by Council? Are they, Council has had an order for this?

Ted C. Ziemer, Jr.: I don't know, Commissioner Shetler.

President Musgrave: We have this money in our Contractual Services line item available for expenditures such as a contract like this.

Commissioner Shetler: Right, okay. Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: It's my understanding that our ability to pay her will continue next week, because Council will take action, is that tomorrow, Marissa?

Marissa Nichoalds: Yes.

President Musgrave: Alright. Hopefully, will take action tomorrow, otherwise, we may be back next week discussing similar items.

County Engineer

President Musgrave: John Stoll, County Engineer. I understand that you have some action items for us.

John Stoll: I've got three change orders. The first two are for the final phase of Lynch Road. The first one is for an increase of \$31,257.60. The reason for that increase in cost is due to some excavation on the project that was originally not classified as rock. It was re-evaluated by the inspectors and INDOT. They determined that it did meet the INDOT definition of rock, which in turn, instead of paying around three dollars and something a cubic meter for the excavation, it bumps it up to twenty dollars or so per cubic meter. So, that's what necessitates that increased cost. I would request that that change order be approved.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: The second change order is also on Lynch Road. This is for an increase of \$7,500. This is for additional rip rap that had to be added to the project.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: Then the last item that I have is a change order on contract number VC06-03-01, New Harmony Road embankment repair. This was for an increase of \$2,897.94. It was a final adjustment of all of the under runs and over runs, but primarily the over run came from us adding a curb along the side of the project to direct some water to try and prevent some erosion. I would request approval of that change order as well.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: That's all I have.

President Musgrave: While you're here, let's read off the bids.

Ted C. Ziemer, Jr.: For drainage improvements, Pinehurst Drive, JBI Construction, \$33,746; Deig Brothers, \$46,652.40; J.H. Rudolph, \$32,900. For Schmuck Road culvert improvements, CCC of Evansville, \$48,777.12; Koberstein Trucking, \$45,050; and J.H. Rudolph, \$58,957.22. For Smith-Diamond Road improvements there's only one bid from CCC of Evansville, Inc. for \$18,877.22.

Commissioner Nix: Motion to take the bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you. Are there any other department heads who wish to address the Commission?

Board Appointments

President Musgrave: We will move now to board appointments. We have four boards; Airport Authority, reappointing June Folz for another, I believe that's a four year term?

Marissa Nichoalds: I think it's three.

President Musgrave: Three year term? Economic Development Commission, Becky Kasha, another re-appointment; Commission to End Homelessness, Ryan Scheidler, a re-appointment, and to replace an appointment for the Old Courthouse Foundation, Nick Hermann. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

New Business

President Musgrave: Is there any new business?

Old Business

President Musgrave: Any old business? We have, I am very, very happy to report the Lynch Road extension project ribbon cutting ceremony, with refreshments, June 8th at 9:00 a.m., the Vanderburgh-Warrick County line on Lynch Road. Commissioners and Councilmembers from both Warrick and Vanderburgh County will be in attendance. We again, we will have a tent, we will have refreshments, we will open the road, I believe, at 10:30 is when the road will be actually driveable. So, we are not going to be endangered as we celebrate...I'm not sure if they're going to have rocky road ice cream or not. But, I'm really, really happy to see this project come to completion. We will be issuing a press release directly after this meeting to give the media and others who are interested the pertinent facts. So, see you all then. Now, for an update on the smoking ordinance. Commissioner Shetler?

Commissioner Shetler: Okay. To let you know kind of where we are. I guess, you might call it in conference committee right now, trying to work out some ideas that City Council has played around with as far as amending it to get their necessary votes to get a passage, and the County Commissioners and what we've already

introduced with the County Commission. The two plans that are kind of floating around right now, basically, are one that has a, well, I think all of us agree pretty much to exempt fraternal organizations, particularly dealing with the veterans associations that were here on both of the public hearings. The first night I estimated about 60 people that were here probably in remonstrance to the ordinance. About 30 or 40 of those people probably were vets of one sort or another. I haven't felt any real serious objection to taking them out of and leaving them out, exempting them from the ordinance. The other, I think that's something everybody's on board with. There are two other plans that are kind of floating around right now. One, is a phase-in on a time line basis, which would, basically, eliminate smoking in most public facilities January 2nd of '07. The only caveat to that might be that in bars and all adult clubs there would be smoking permitted in adult type of areas like that, where it's over 18 accessible. In the year 2010, there's a possibility of looking at extinguishing, if I may use that, smoking throughout all public facilities in Vanderburgh County. Another plan that is floating around is one that I'm not very excited about, to be honest, one that seems to be by a few people that haven't been on board till lately. One that where there would be designated smoking areas within businesses, and I have a real problem with this, because that seems to be codifying the status quo. I have a problem with us just simply allowing restaurants or taverns and family rooms to be able to say, "These two tables over here, or this section over here, is non-smoking, or is smoking, the rest is non-smoking." Because everything we've heard, all the evidence is overwhelming to indicate that there is effect on the non-smoker people from a few smokers. I think that we need to protect that. I, underneath that scenario, there is some talk that there would not be any boundary lines. For example, any walls that would separate the smoking from the non-smoking. So, I would hope that, the public, I think, has voiced their concern on it loud and clear. In addition to the public, I've also heard from restaurants, from private clubs and entities who wish for us to become rather restrictive on it, and to make this ordinance something that does mean something. I would encourage this body, when the time comes in the next couple of weeks, that we certainly look at something that is going to be very restrictive and protect the health of the people in Vanderburgh County. So, that's where I want to bring you up-to-date on that. I don't know if, I know later on you've got this section here for people to speak. I don't know if you want to wait until then, or if you want to—

President Musgrave: No, I'll go ahead and call for comment on smoking. If anybody has a comment on smoking at this time. Mr. Kincaid? No? When will City Council voting on this?

Commissioner Shetler: Well, from the looks of things, they are talking about bringing it to the head on the 19th, I believe. On Monday, the 19th. So, hopefully, we can get things worked out before that time. I do believe, we have, I probably was remiss in not mentioning we have received from the executive committee of the Chamber of Commerce their endorsement for a smoking ban. Now, I think the main catch to theirs is they want to make sure that the city and the county stay on the same page. But, they are for a ban of smoking, at least as the general concept. They didn't specifically endorse any one plan, but they are for a progressive community that does eliminate smoking in public places. Again, with the one catch being that the city and county stay on the same page.

President Musgrave: Are you part of this conference committee, as it were? Or is this among members of City Council only?

Commissioner Shetler: I've been a part of some of it.

Commissioner Nix: I'm curious. I guess, maybe the question is, you'll be part of the conversation with City Council before they vote? Or is that something—

Commissioner Shetler: I would hope to be a part. I haven't been invited to all of the sessions that they've been talking about, but I have been involved in some.

President Musgrave: Well, I'm troubled that they think smoking, negatively affecting the health of some people is okay in some places. Like you, I think that our policy or ordinance should be as restrictive as possible, to protect the health of everyone, as soon as possible. So, if they're going to exempt certain organizations, and if that's what it takes to get an ordinance that's relatively restrictive in place, then I would reluctantly, with the greatest reluctance, go along with that, but not if children were allowed anywhere near these areas where there's smoking, or at the same time. They would have to not be in the building, the same building where this smoking is going on. But, I wish that the City Council would agree that the health of everyone, no matter whether you're a veteran or a member of a fraternal club, that your health deserves to be protected.

Commissioner Shetler: I certainly don't want to be one that would codify the status quo.

President Musgrave: I agree.

Commissioner Shetler: I feel as if one of the alternatives simply, that's all we'd be doing. I have a real problem with doing that.

Ted C. Ziemer, Jr.: I would just like to remind you that when we get to a point that the ordinances are adopted, if the city ordinance is different than the county ordinance, then it would be my opinion that the county ordinance would apply only in the county, and the city ordinance apply in the city.

Commissioner Nix: I guess, that's one thing that we're trying to say, is that we really don't want to see that. We want to see something that's the same between the city and the county. I mean, that only makes sense. I mean, I don't think it would work any other way.

President Musgrave: Well, I don't believe that there is more than one veterans facility outside city limits. So, for us that would be talking about one, single organization. As for fraternal entities, I know that there are several, but that brings up another point, the definition of a fraternal organization needs to be very well drawn up. I hope that you can't just create a fraternal organization on the spot, and have somebody pay dues and walk in and, voila, you have a fraternal organization.

Commissioner Shetler: Well, I think our current ordinance that we have drafted mentions that they have to have a 501C, and that would mean that it's got to be a not-for-profit. So, that's already going to exclude someone from just walking in and saying, "Well, we have a dollar membership today." Which would be, in essence, a cover charge. So, I think it would eliminate that part of it. But, it is not going to exclude from that group, you know, private entities or private clubs that, you know, some of those which have spoken to me, would like to have it. You know, so they would have to fall underneath that ordinance. But, anyway.

Ted C. Ziemer, Jr.: I just didn't follow you there. Are you suggesting that private clubs would be considered, I mean, if they are 501C3, would be considered fraternal organizations?

Commissioner Shetler: That's correct.

Ted C. Ziemer, Jr.: Okay.

Ted C. Ziemer, Jr.: May we change the tape quickly?

President Musgrave: Please change the tape.

(Tape change)

President Musgrave: Well, as the former County Assessor, I heard all those exemption applications for all those 501C3 clubs, and they're all tax exempt, and I just, it just goes against the grain that the government would actually encourage behavior at a place where we don't require them to pay taxes that causes cancer. So, that upsets me a little bit. But, the phase-in time, I think it would be quite reasonable to work with them on phase-in times that make sense. So, that organizations can plan and put in the proper systems, and build smoking areas outside, and so forth and so on that are needed for those. Mr. Kincaid, I see you changed your mind.

Johnny Kincaid: Sure. Not to drag out a subject that probably everything conceivable has been already said about. But, actually what I want to do is just thank you Commission members for standing your ground on this issue. I know you've received a tremendous amount of feedback, and I also know that most of it's been positive. I just really appreciate the fact that you're looking for an answer for the community that really is going to impact community health. In the end, that's what we hope we wind up with, with both the city and the county. Thank you.

President Musgrave: Commissioner Nix, is there an update on the jail, we'll call it a shed construction?

Commissioner Nix: Actually, it's not a bid, we've got some information together. Mr. Rector is here today. He and I and we've run quite a few different plans by, some different scenarios, and we've finally got the price skinnied down to where I think it's acceptable. I would like to move forward with this, if we could. Mr. Rector, if you want to take it from there.

Dave Rector: If you recall, we had, Dave Rector, Building Authority, we had taken bids on a building that was going to accommodate the Sheriff's Department, the Corrections Department, and the Building Authority equipment area. The bids came in quite high, we thought, for the building we were building. From that then we had conversations, and have tried to lessen the cost and have gotten it down now to less than a third of what it was going to be. We've got a maintenance shed/building. It's going to be concrete block construction, at Commissioner Nix's suggestion, and it's about \$135,000, and that would be used for the storage of trailer, mower, gator, weed eaters/blowers, yard equipment to take care of the jail facility out there. We have, again, Peyronnin was the low bidder on that. We gave them a purchase order then to be paid for from the contingency for \$135,000.

President Musgrave: Since this is coming out of the bail bond, I'm sorry, the jail bond—

Commissioner Shetler: It ought to come out of the bail bond.

President Musgrave: —money, I believe we need a motion to approve this expenditure.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Dave Rector: We're doing it, and I'll give you a recap at some point. I don't know, the last time we talked, we were doing quite well with the contingency fund. So, I think we'll end up in good shape.

President Musgrave: Okay.

Commissioner Nix: Any, just a snapshot here, and I don't want to put you on the spot, but as far as the specifications for the old jail space, are you getting pretty close with that?

Dave Rector: Yeah, in fact, I'm meeting with the architects and engineers next Wednesday to look at the scope of work and drawings they've developed. Based on any change that we might have, and I'll be getting with you, we'll do the notice to bid, then we'll know what the cost is going to be, and see where we go from there. So, by the end of June, I hope to have it complete.

Commissioner Nix: Any surprises so far?

Dave Rector: No, not really. We've had the environmental agencies in there and the tests, and it's about what we've expected.

Commissioner Nix: Okay.

President Musgrave: I just want to make sure that the record appropriately reflects, even though this is called a shed on the agenda, it is well and truly a maintenance garage.

Dave Rector: It truly is. We're being facetious with shed. It's 1,500 square feet, concrete block construction, metal roof, has two overhead garage doors to pass through with the equipment, so we can pull in and pull out. It's not elaborate, by any means, but it's functional.

President Musgrave: Okay.

Commissioner Shetler: And it's protecting thousands of dollars worth of equipment out there?

Dave Rector: Not only protecting thousands of dollars worth of equipment. It's saving a lot of time that right now we're incurring by loading up everyday, driving out there, unloading, taking care of business, loading back up and coming back out here. We've got the transportation costs with it, and damage of equipment possibly, this way it's right there on site and our grounds crew can go right there, get the equipment and go to work.

President Musgrave: Thank you.

Dave Rector: Okay.

Public Comment

President Musgrave: We've arrived at the place in our agenda for public comment. Is there any public left to comment? I see no one.

Consent Items

President Musgrave: Consent items. We have a lengthy list here. Is there a motion to adopt the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And is there a motion to adjourn the meeting?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:02 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (1)	Supt. Of Bldgs. (1)	County Clerk (2)
Burdette Park (10)	Sheriff Office (5)	VCCC (4)
PTABOA (1)	Circuit Court (1)	Dental Clinic (4)
Pigeon Assessor (1)	Surveyor (1)	Auditor (1)

Travel Requests:

DADS (1)	Commissioners (1)	Health Dept. (1)]
Knight Assessor (1)		

Auditor: Financial Statement: May 2006.

Commissioners:

Indiana Lobbyist Activity Report: 11/1/05-4/30/06.
Evansville ARC Monthly Report: April 2006.
Taxpayer Comments on Smoking Ordinance.
Department Head Meeting Notes: May 23, 2006.

Treasurer: Monthly Report: April 2006.

Purchasing:

Monthly Report: April 2006.
Request for Waiver of Fees, Not Overtime: Centre for IBDC.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	CIO

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Jim Holderread	Ed Hafer
John Stoll	Jim Thomas	Jerry Murphy
Matthew Winkler	A.P. Drennen	Ken Colbert
John Hartz	Aaron Peckenpaugh	Nelson Bailes
Mike Belloli	Johnny Kincaid	Dave Rector
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
JUNE 13, 2006**

The Vanderburgh County Board of Commissioners met in session this 13th day of June, 2006 at 3:31 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 June 13, 2006 meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Teri Lukeman: Teri Lukeman, filling in for Madelyn Grayson.

Bill Fluty: Bill Fluty, Vanderburgh County Auditor.

President Musgrave: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the June 6, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of the June 6th meeting?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Permission to Open Bids for VC-06-06-02

President Musgrave: We will take items a little out of order. Permission to open bids for VC-06-06-02 Concrete Repair of Various Roads, is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Michael Crawley
Offer to Broadcast Commission Meetings on Sigecom Cable Channel

President Musgrave: And we now welcome to Michael Crawley of Sigecom and you have a suggestion of how to further broadcast the County Commission meetings.

Michael Crawley: Yes Ma'am. My name is Michael Crawley, I'm a public access coordinator for Sigecom. And I'm here before the Commissioners today to ask if we might be able to have a copy of the meeting so that we can run them on our public access channel, for the benefit of the public.

President Musgrave: Do you require a digital format?

Michael Crawley: DVD copy was what we would prefer and normally that's the simplest way to do it.

President Musgrave: We capture the digital feed because as many viewers know and perhaps some don't, we simulcast these meetings both on analog WNIN and over the Internet at vanderburghgov.org and we retain a digital copy on our website of the feed to the Internet. WNIN takes a regular copy, I guess, on tapes of the feed that they do and they have a copy charge, as I believe, in their contract. They are allowed to require you to pay for a copy.

Ted C. Ziemer, Jr.: Well, actually, they own the copy, the tape, they own that tape. The content belongs to the Commissioners, but they do own that.

President Musgrave: So you could either use our digital copy that's on the net –

Michael Crawley: I'd be happy to work with the Commission and find a way to capture those so that we could transfer – get a viable feed-in that we would be able to use.

President Musgrave: And so these would be on Sigecom channel, what channel?

Michael Crawley: It's cable channel 9, public access.

President Musgrave: Cable channel 9.

Michael Crawley: Not to be confused with broadcast channel 9, from Sigecom. Cable channel 9.

President Musgrave: Would you be airing them once a week, multiple times a week?

Michael Crawley: Probably two or three times a week. I expect a couple of afternoons and then put them in a weekend rotation. Our weekend rotation is subject to change due to submissions from the local universities and school corporations as well as, typically, high school athletic events. But put them in a rotation on weekends and probably a couple of nights a week: 10 or maybe 11 o'clock. Stagger them so that people will be able to see them. Or prime time, you know how lively these meetings get.

Commissioner Shetler: Were you requested by a group to do this or is this something that you –

Michael Crawley: I just did this on my own initiative. I thought that it would better serve the public and as the public access coordinator, we're always looking for better content to put on. And you can't get any more exciting than a County Commissioners meeting.

President Musgrave: Well, I would like to point out that there are a couple of other government meetings that are on T.V. and you might want to check with the County Council.

Michael Crawley: I understand.

President Musgrave: And don't forget the Solid Waste Board, which you can not get more exciting than the Solid Waste Board.

Michael Crawley: I'm sure its riveting, but —

Commissioner Nix: Good stuff.

Michael Crawley: I knew Mr. Nix and I thought this would be a good start to sort of get our toe in the water, so to speak, and then work from there.

President Musgrave: Unfortunately, you cannot ask City Council for theirs, for they have not yet decided that television offers the public more access to government business, at least on the city's side.

Michael Crawley: Well, they may change their mind once they see the celebrity it affords our Commissioners.

President Musgrave: Or they may not.

Michael Crawley: Or they may not.

President Musgrave: Um, I don't think we need a motion for this, given that it's a public record and we'll work with you in any way that you need, especially with regard to the digital copy. So just let us know when you begin to air.

Commissioner Shetler: I do have one question and it is really a question of Ted. Mr. Ziemer, would we need a contract done with them and, I don't know, perhaps the contract we have in place with Channel 9 already would work as far as them being able to –

Ted C. Ziemer, Jr.: Channel 9's contract is to actually do the televising and to produce the show. All we're giving them the right to do is to get on our website, which is public, and download the digital feed and rebroadcast it. There's no fee due us and there's nothing due them.

Commissioner Shetler: I was thinking there was a clause in the Channel 9 thing where no one could actually use it for any other purposes and stuff like that, and –

Ted C. Ziemer, Jr.: It's up to us.

Commissioner Shetler: Right, I understand, and so I didn't know if once they did it, that after it went through that second generation, if that first contract would hold true. In other words, if somebody just grabbed it off of theirs and could use it for rebroadcasting for a different purpose other than what was intended.

Ted C. Ziemer, Jr.: I'll look at that. I'm not sure I understand your question. When they broadcast it, you know, people have taping equipment in their home. If they tape this meeting that they broadcast, they've got it, like they pirate any other tape. I'm not sure a contract with them would stop that. I'll be glad to take a look at it. And why don't you, since we're going to do everything digitally, why don't you send me an email just to remind me about this and I'll pull that contract out and look at it, and its at tziemer@zsws.com.

Michael Crawley: Okay, that would be fine.

President Musgrave: Thank you so much for your kind offer.

Permission to Award Bids
VC-06-06-01 Drainage Improvements and Repaving Pinehurst Drive
VC-06-06-03 Smith-Diamond Road Bridge #2000 Embankment Repair
VC-06-06-04 Schmuck Road Culvert #659 Replacement

President Musgrave: We move now to the County Engineer, permission to award. We have three different items here. Is the County Engineer here to tell us who our new contractors will be?

John Stoll: On the first one, I request that contract VC-06-06-01 Drainage Improvements and Repair of Pinehurst Drive be awarded to J. H. Rudolph & Company for the amount of \$32,900. They were the low bidder on the project.

President Musgrave: Do you want to go ahead and read all three and we'll do them all as one motion?

John Stoll: Sure. The next one is VC-06-06-03 Smith-Diamond Road Bridge. That is requested to be awarded to CCC of Evansville for \$18,877.22. And then the final one VC-06-06-04 Schmuck Road Culvert #659 Replacement to CCC of Evansville and that would for \$49,211.52. The one thing I'd like to point out on that one is, that's a slightly different amount than what was read into the record last week. There was an error in the extended price on that, and the way the contract language reads, the unit price governs, so we refigured the new amount and that's what lead to the \$49,211. It was a few hundred dollars higher than what was read into the record last week.

Commissioner Nix: And the paperwork is all in line as far as the drug testing and that?

John Stoll: Yes.

Commissioner Nix: Okay. I know we've had a problem with that in the past. It sounds like that's been remedied.

President Musgrave: Is there a motion to accept the County Engineer's recommendations as read into the record?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Cross Pointe Boulevard Engineering Design Contract

President Musgrave: Cross Pointe Boulevard Engineering Design Contract. I understand that this contract is not yet mature and we cannot move on it until next week.

John Stoll: Correct. I contacted the consultants and we were working on some changes on the fees and we couldn't get them resolved yet today, so I'll have that next week.

President Musgrave: Okay, thank you very much.

**Health Department
Aramark Contract for Impervious Lab Coats
Aramark Contract for Dental Clinic**

President Musgrave: Contracts, agreements and leases, we have two with the Health Department, Aramark contract for Impervious Lab Coats and the Aramark contract for the dental clinic. Both of these have been reviewed. The first one had a price being lowered and then the second one, they are the sole vendor. Is there a motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

**Old Courthouse Foundation
Architect Contract for Old Courthouse Renovation**

President Musgrave: The Old Courthouse Foundation, the architect contract for the Old Courthouse renovation. Commissioner Nix, are you on that?

Commissioner Nix: Yes, I sure am. We would like to enter into a contract with Veazey, Parrott, Durkin & Shoulders. The contract amount is \$25,000. Thirty percent of this paid after completion of schematic design phase, remaining seventy percent is paid after design development phase is complete. We interviewed, I believe, four or five different design firms and arrived at this company. We felt like they could do this the best for the money that we were spending over there. And this

money will be coming out of the Old Courthouse Foundation fund. It won't be coming out of county coffers, if you will. So I'd like to move that we approve this.

President Musgrave: Is there a second?

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

<p style="text-align: center;">CO.R-06-06-018 Resolution Supporting Transfer of Welfare Funding to the State</p>
--

President Musgrave: Move now to the resolution supporting the transferring of welfare funding to the state. That is CO.R-06-06-018. Commissioner Nix, you have one.

Commissioner Nix: Now bear with me, there are quite a few Whereas's here. This is a resolution urging the Indiana General Assembly to fully fund the Family & Children's Fund resolution number CO.R-06-06-018.

"Whereas, neither the fiscal body, legislative body nor executive body of the county governments have oversight of expenditures from the Family & Children Fund

Whereas, Indiana Code 12-19-7 requires county fiscal bodies to establish the property tax rate to fund the Family and Children Fund appropriations

Whereas, the expenditures from the county Family & Children Fund are approved by a state employee, the county welfare director

Whereas, we support reducing reliance on property taxes for state administered programs

Whereas, the possible benefits of implementing state funding to ease the current burdens of property taxes and provide for more uniform funding for children in need of services throughout the state; Therefore, be it resolved by the Vanderburgh County Commissioners this 13th day of June, 2006

Section 1. That the Indiana General Assembly devise a plan to fully fund the Family and Children Fund

Section 2. That the 2007-09 biennial budget, at a minimum, pay for increased expenditures for the Family & Children Fund for expenditure above the 2007 County Council approved budgets

Section 3. That the County Auditor mail a copy of this resolution to the Governor of the State of Indiana, the legislative delegation representing Vanderburgh County and the Juvenile Court Judge(s) in our county."

And its signed by all three Commissioners, or will be signed by all three Commissioners if we do pass this.

President Musgrave: And we also have a letter that we will all send to Governor Mitch Daniels, copies to our legislative delegation, the juvenile court judge and the Association of Indiana Counties. The Association of Indiana Counties suggested the language for the letter and the resolution as further urging the Governor and the legislature to take the action of removing this burden from local property taxes and transferring that burden to the state for this state administered program. If there is a motion to adopt the resolution and sign the letter, I'm willing to entertain it.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

County Engineer

President Musgrave: We move now to department heads. John Stoll, County Engineer. Do you have anything further? He indicates he does. And would you like to report on the bid opening or after Mr. Stoll makes his report?

John Stoll: First, I have a request for street plan approval for Centerra Ridge Subdivision, this is the subdivision that you reviewed the drainage plans and approved those last week at the Drainage Board. Its located on Telephone Road out near the county line. I've reviewed the plans and the engineer has made the changes I requested, so I would request approval of those plans.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

John Stoll: And the developer has also requested a sidewalk waiver for that subdivision and I would recommend that that also be approved.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

John Stoll: And then next I've got a notice to bidders for the Aabel Park Sanitary Sewer Project. I'm assuming that forty percent of the people did not remonstrate against the project.

Ted C. Ziemer, Jr.: I'm unaware that anybody has.

John Stoll: Okay, on that basis, I would request then that you go ahead and approve the notice to bidders and we will get that project out for bid. The bids would be

opened on July 11th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

John Stoll: Then next I have a supplemental agreement with American Consulting for some additional construction inspection services on the Mt. Pleasant Road Project. This is for an amount not to exceed \$8,500. And this will cover the additional inspection needed to address some driveway work that needs to be done out there.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

John Stoll: And the last item I have is a change order for Lynch Road. This is for an increase of \$4,128.96, and the reason for the change order is to cover the installation of a perforated pipe that was needed. There was some, we thought it was septic effluent but there was water seeping out around the curb and across the person's driveway once we installed curbs on the Old Boonville Highway approach. So to address that, we installed some perforated pipe to try and drain the water away and then we also had to add some additional rip rap, so I request approval for the change order.

Commissioner Nix: Is that just our portion?

John Stoll: That is the total.

Commissioner Nix: That's the total, so it will get split up?

John Stoll: – twenty percent of it will be ours.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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

President Musgrave: Just to congratulate you one more time for the Lynch Road opening. It's a lovely project.

John Stoll: Thanks.

County Attorney

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes. The bids for concrete repair of various county roads, three bidders: J H Rudolph and Company \$489,914.60, Deig Brothers \$682,830.30, and JBI Construction \$499,157.45.

Commissioner Shetler: Move to take it under advisement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

Board Appointments

President Musgrave: I'd like to do the board appointments before we move to the smoking ordinance. We have three boards. The Economic Development Coalition which will be the four county coalition of Posey, Vanderburgh, Warrick and Gibson: Commissioner Tom Shetler, Jr. and Marco DeLucio. The Commission to End Homelessness: Terry Render for a one year term. The Evansville MPO: Greg Meyer. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**CO-05-06-009
Ordinance Establishing Non-Smoking Areas**

President Musgrave: At this time we will take up the ordinance CO-05-06-009 Establishing Non-Smoking Areas, a second and final reading. Commissioner Shetler?

Commissioner Shetler: Mr. Ziemer, do you have the new or did we all get this? I'll give you highlights of basically what we're talking – what the new ordinance will effectively do. First of all, I'd be remiss if I didn't recognize the efforts of two City Councilmen, particularly, and there have been others that have been involved in it, but Steve Bagbey and Angela Koehler-Walden, their efforts have been tireless over

the last many years on working on this project, not to mention, just the last couple of weeks have been a very difficult time and they've put a lot of time and effort into it. I also appreciate my fellow Commissioners for giving me the responsibility of heading forward on this and thank you much very. But it has been a challenge and its been something that, a joy, and I think that we've come up with a good workable solution for Vanderburgh County and I'm looking forward to voting for this. First, what we're hoping to accomplish by the ordinance is to eliminate smoking in all restaurants and family rooms by January 2nd of '07. What we're doing is phasing in the hotels and motels. And the way we're doing it is, in '07, forty percent of the rooms would be non-smoking and in '08, thirty percent would be non-smoking. And by the year '09, twenty percent would be non-smoking. There would be, by the year

—

President Musgrave: You mean smoking.

Commissioner Shetler: Would be smoking. I'm sorry, that's correct. I'm so used to this non-smoking. Twenty and thirty and forty percent would apply to the smoking rooms that would be available to smokers. By January the 2nd of '09, there will be no smoking permitted in bars or nightclubs. We are exempting in garages where there are overhead doors and exhaust removal systems that are already in place, that is one exemption that's been added to the present ordinance. We, basically, are treating all entertainment places alike, including fraternal organizations and private clubs will be treated in this ordinance the same way as the other bars and family rooms. It would be, it is pointed out that if you have a wall that separates the bar area from the eating part of it, that the bar area may have smoke in it as long as there is a solid wall that basically separates from floor to ceiling with no more than a sixty inch doorway that separates it. Again, that's in effect from '07 to '09. In '09, there will be no smoking permitted in any of the facilities. I think that pretty well capsulizes pretty much of what the new ordinance says. I don't know, Mr. Ziemer, if

—

Ted C. Ziemer, Jr.: No, I you've summarized it very well.

President Musgrave: I understand that there are some folks here who may have comment on this, so I'll call for public comment at this time. If you would like to address the Commission, please come forward and state your name and address.
Miss Engel.

Catherine Engel: Hi, my name is Catherine Engel and I'm a resident of the city. And I just want to publicly thank all of the Commissioners, County Commissioners for standing up to this challenge and helping the public reduce its risk from exposure to secondhand smoke. Thank you very much. It's a very important stand to take and I think you've done an admirable job. And I appreciate all of your consideration of all various aspects of the issue and your respect for every one of us who have spoken publicly at the public hearings. You've been very patient, attentive and very respectful for all of us. Thank you so much.

Commissioner Shetler: Thank you.

President Musgrave: Is there any further comment? I see none. Is there a motion to adopt the ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioner Shetler: I might correct that. I guess, as amended.

Commissioner Nix: As amended.

President Musgrave: Thank you. And you second, is that for the amended ordinance.

Commissioner Nix: Yes, it does.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

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

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. The smoking ordinance has been adopted.

New Business

President Musgrave: We move now to new business. Is there any new business?

Old Business

President Musgrave: Any old business?

Public Comment

President Musgrave: Any public comment on a matter under the Commissioners' authority? I see none.

Consent Items

President Musgrave: We have consent items, is there a motion to adopt the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries. Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We are adjourned.

(The meeting was adjourned at 3:51 p.m.)

CONSENT ITEMS:

Employment Changes:

Prosecutor (2)	Burdette Park (3)	County Clerk (1)
Auditor (1)		

Travel Requests:

County Commissioners (1)	County Assessor (1)	Center Assess. (1)
Health Department (1)	SWCD (3)	

Auditor:

Accounts Payable Vouchers
Surplus letter

Commissioners:

Taxpayer Comments on Smoking Ordinance.
Department Head Meeting Notes: June 6, 2006
Vision-e: Monthly monitoring report

Treasurer: Monthly Report: May 31, 2006

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	Superintendent Of
		County Buildings

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Teri Lukeman	Michael Crawley	John Stoll
Gary Heck	Sam Elder	Catherine Engel
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 Teri Lukeman.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 20, 2006**

The Vanderburgh County Board of Commissioners met in session this 20th day of June, 2006 at 3:32 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 June 20, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Moment of Silence in Memory of Norman “Red” Mosby

President Musgrave: I would like you to join me in observing a moment of silence for the death of a local, long term, elected official, Norman “Red” Mosby. Please join me in a moment of silence.

(A moment of silence was observed.)

President Musgrave: Thank you. Commissioner Nix, would you please read the resolution?

Commissioner Nix: Yes. First off, I would like to say that I’ve known Mr. Mosby, I guess, since I was a little kid and I went to high school with some of his children. I guess, I might be showing my age here a little bit, but, “Red” was always the kind of guy you could speak to about anything. I know he’s really going to be missed. Our thoughts are with his family, thoughts and prayers. I would like to read this now:

“Whereas, Norman W. “Red” Mosby served the public of Vanderburgh County as Perry Township Trustee for over 40 years, beginning in 1965, and; Whereas, “Red” Mosby was a member of numerous civic groups and a fixture of the community’s political and public life, and; Whereas, “Red” Mosby passed away at his home last Sunday, June 18, 2006, and; Whereas, “Red” Mosby’s son, David, served on the Vanderburgh County Board of Commissioners for four years from 2001

to 2005; Therefore, be it resolved that the Vanderburgh County Commissioners express their condolences to the family of "Red" Mosby and their respect for his lifetime of public service."

President Musgrave: Thank you very much, and we'll sign that and make it available for the family later today.

Approval of the June 13, 2006 Commission Meeting Minutes

President Musgrave: We have on the agenda to approve the minutes of June 13, 2006.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Motion approved.

IEDC Infrastructure Application: Brake Supply

President Musgrave: The IEDC infrastructure application for Brake Supply. This application is to complete the process of applying to the state for a certain amount of money that, I believe it was \$59,000, that the state is, has, I won't say that they've said that they will give the money, but this application will be for that money, to assist Brake Supply in locating in the Vanderburgh Industrial Park. We need to sign this and send it in. So, is there a motion to adopt it so that we can send it?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

**Permission to Advertise: Notice of Public Hearing:
Vacation of Drainage Easement: 7145 E. Virginia Street**

President Musgrave: County Auditor, permission to advertise the notice of public hearing for the vacation of a drainage easement at 7145 East Virginia Street. They're asking for permission to advertise now, and they will hold the public hearing at the July 11th Commission meeting. Is there a motion for the permission?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Request for Burdette Park Swimming Passes: World Changers

President Musgrave: Next on our agenda, the City of Evansville has requested swimming passes for Burdette Park for the World Changers. Many of you will recall that the World Changers is a group of youth missionaries who come to Evansville and the city and work performing a ministry of assistance for repairs and painting and so forth to homes. Is there anyone from the city here who wishes to address this? I see no one. So, they've asked, again, I believe this is the third year for passes for those young people to go and swim at Burdette. I think this is a great plan. I love the work that they do in the community.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Permission to Award Design Contract: Cross Pointe Boulevard

President Musgrave: County Engineer, permission to award the Cross Pointe Boulevard Engineering design contract.

John Stoll: The contract is with Bernardin Lochmueller and Associates. The agreement amount is \$128,700. The agreement covers the design of the road between Virginia Street and State Road 62. That covers both the new alignment portions of the road, as well as the portions that will need widening.

President Musgrave: Is there a motion for approval?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: One thing, I was going to say, I was going to point out on that agreement too, the geo-technical work will have to be a supplemental agreement at a later date. They estimate that to be around \$6,000, and once they get into the design, they will actually get the soils consultant hired to where they'll get a more specific number. But, I'll bring that back as a supplemental at a later date.

President Musgrave: Okay, thank you.

Health Dept.: ADT Security Agreement: Dental Clinic
Health Dept.: Dentrix Software Agreement for Dental Clinic

President Musgrave: The contracts, agreements and leases, the Health Department has the ADT security agreement for the new dental clinic, and a Dentrix software agreement for the dental clinic. Both of these have been reviewed. Unless there are any comments, we could take them both in one motion.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: Mr. Stoll, I have you down again for the street plans for Section Six of Cross Pointe, and a revised change order.

John Stoll: Yes, I've got a revised change order on Lynch Road. This is for an increase of \$4,721.27. This replaces the change order that I had you sign last week. Basically, the difference is that INDOT will not participate in the perforated pipe that was the main component of that change order. That means the county will have to pay the entire cost of that pipe, and that portion of the cost is \$2,628.96. But, I would request that you go ahead and approve this revised change order.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other item is a street plan approval request for Section 6-C of Cross Pointe Subdivision. This involves the extension of Columbia Street east of Cross Pointe Boulevard, and it will curve around and tie back into Virginia Street approximately 450 to 500 feet east of Cross Pointe Boulevard. We've got roughly 800 feet of new road to be constructed. I would request approval of the street plan subject to the designer, who is Morley and Associates, providing some additional revisions that will provide some additional cover over some pipes at four locations, and subject to them providing a few extra drainage details that they've been made aware of.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: Thank you.

John Stoll: Thanks.

County Attorney

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: We have, pardon me, you caught me with my mouth full of chocolate. We have an ordinance to establish the, well, you're going to cover that separately, so, let me find this. We have an ordinance which has been–

Madelyn Grayson: Ted, is your microphone on?

Ted C. Ziemer, Jr.: What? Maybe not. We have an ordinance which has been provided to you for amendments of Title 15 and Title 18 of the Code of Ordinances of Vanderburgh County. Title 15 is being amended to address manufactured mobile homes, and better securing those down and so forth, to make them better withstand tornado force winds. Title 18 is being amended with regard to flood hazard protection. You have been provided with copies of that ordinance, which amends both Title 15 and Title 18. It's been recommended by Roger Lehman, the Building Commissioner, and we find it satisfactory for execution from a legal perspective.

President Musgrave: Now, the City Council passed this same ordinance last night?

Ted C. Ziemer, Jr.: Last night.

President Musgrave: So, we're at least going to have a duplicate, I mean, an identical ordinance here. Did the ITAC ordinance come off the agenda?

Ted C. Ziemer, Jr.: No, but it's just later on the agenda.

President Musgrave: Thank you. I'm not looking in the right place. Thank you. So, that will be two ordinances that we have on today's agenda that perfectly mirror what the city action is going to take. Are there any questions? Or is there a motion regarding the mobile home ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: And, I will call for a roll call–

Ted C. Ziemer, Jr.: Right.

President Musgrave: –because this is an ordinance. This is the first reading of the ordinance, and we will have the second reading, and we will take comments next week, unless there is somebody here who cares to comment this week. Is there anyone here who cares to comment? I see no one. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Thank you.

Ted C. Ziemer, Jr.: The next item has to do with a continuing disclosure report, which is required by the SEC Rule 15(c)2-12, in connection with the bond refinancings of April 30, 2003, September 15, 2003, and these are certifications regarding the information we were provided with by Umbaugh and Associates. This has to be signed by the Commissioners, also by a member of the Redevelopment Commission, also by a member of the Redevelopment Authority. I've reviewed the annual information which was provided by Umbaugh and copies of which have been provided to you. I can recommend that you can safely execute the certificates from a legal perspective.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Then, Madelyn, when those are signed by the Commissioners, then I need the two copies to get signed by the Redevelopment Commission and the Redevelopment Authority. Okay, thank you.

New Business

President Musgrave: New business, Bohannon Estates Barrett Law street improvements. We received a letter last week from engineer, Andy Easley, asking the Commissioners to consider your proposal for projects at the Bohannon Subdivision. Mr. Easley, do you have a presentation to make?

Andy Easley: Do each of the Commissioners have a copy of that letter? The, we have been working with the residents of Bohannon Estates for well over a year now. The pavement in Bohannon Estates, which is really badly alligatored and needs to be reconstructed, is 20 feet in width. I think Mr. Nix, we took him out to witness that. As the letter says, there's many county roads that are much narrower than that, including Petersburg Road was measured at 19 feet, Heinlein is 16 feet, and Boonville-New Harmony is 20 feet, and we would like permission for the Barrett Law Project plans to improve the street in Bohannon Estates, which is a double cul-de-sac, it's not a through traffic, to the width of 20 feet. That's our request, so.

President Musgrave: Thank you. Does the engineer have any comments to make? No. Commissioners, do you want to take this under advisement, or take action today?

Commissioner Nix: I've had a chance to look at it, and I would like to maybe take it to a vote.

President Musgrave: Okay. Do you want to make a motion?

Commissioner Nix: I make a motion we approve.

Commissioner Shetler: I'll second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you, sir.

Andy Easley: Thank you very much.

Old Business

President Musgrave: Old business, and this is where we find the ITAC ordinance. This is ordinance CO.06-06-010, establishing the governance structure for data processing/information technology. This is, again, a first reading. Mr. Ziemer, do you have any comments?

Ted C. Ziemer, Jr.: No. Except to say that we've been working on it now for nearly a year, and this represents, I believe, the best thought combined of the county and the city and certain county office holders, the Vanderburgh County judges, and I'm not going to say that it 100 percent pleases everybody, but it is satisfactory, I believe, to the Commissioners and to the City, so it's ready for approval from a legal perspective.

President Musgrave: I know you've had numerous conferences to bring us to this point. Is there a vote, a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. We will have second reading and a final vote next week.

Public Comment

President Musgrave: We have come to the point in our agenda where we call for public comment. Is there anyone here to comment on a matter under the authority of the Commissioners? I see no one.

Consent Items

President Musgrave: We have some consent items. Is there a motion to approve the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I believe we've completed the agenda. Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 3:47 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (1)	Pigeon Assessor (2)	Health Dept. (2)
Prosecutor (2)	Burdette Park (1)	Recorder (1)
County Clerk (1)		

Travel Requests:

County Assessor (1)	County Engineer (1)	SWCD (1)
Coroner (1)		

Auditor: Continuing Disclosure Undertaking Agreement. (Bond Refinancing)

Commissioners:

Evansville ARC Monthly Report: May 2006
Taxpayer Comments on Smoking Ordinance.

Legal Aid: Monthly Report: May 2006.

Weights & Measures:

Monthly Report: 4/15-5/15/06.
Annual Report: 4/16/05-6/15/06.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	John Stoll	Andy Easley
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
JUNE 27, 2006**

The Vanderburgh County Board of Commissioners met in session this 27th day of June, 2006 at 3:34 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 June 27, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you join me, please, in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the June 20, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the June 20th Commission minutes?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Evansville ARC Quarterly Update Presentation

President Musgrave: I would like to welcome Beth Lowery from the EARC to give your quarterly update presentation. You're not Beth Lowery, I can tell that.

Theo Boots: I will give the report though.

President Musgrave: Alright. State your name, please, for the record.

Theo Boots: Okay, I'm Theo Boots, and I'm the Director of Development for ARC. We really appreciate the time today to give you an update, a quarterly update, about what we're doing at ARC. I have some friends, I'm not going to talk a long time, which is good news. I know, Ted, you're excited that I'm not going to talk a long time, but I've got some friends who are going to talk for me. What I want to tell you, I think most of you know that Evansville ARC helps individuals with disabilities in our community. We have since 1954. We started serving children because, at the time, there was no services for individuals with disabilities. So, we opened as a school, and we did that because of the need in the community. As we have grown, we have shifted what we serve, and who we serve, because the needs in our community have changed. Today we're going to talk about a couple of programs that we provide that are serving our youth. So, right now I'm going to introduce Lyneve Scott, and she is our Coordinator of the Successful Transitions program. This is a program that we have in our high schools.

President Musgrave: Welcome.

Lyneve Scott: Hello. Thank you. Successful Transitions began about 2003, and it was partnered with the Evansville-Vanderburgh School Corporation. The program was developed to assist students transitioning out of high school into adult service programs, so there isn't any delay in services. Currently I serve about 55 students. I assist those students, and their parents, in accessing adult service programs. Things like Social Security benefits, Medicaid/Disability, vocational rehabilitation services, the Bureau of Development Disabilities, which has the Medicaid waiver. I also help them pick providers for services. Say if they get approved for vocational rehabilitation, then they have to pick a provider, and sometimes they need help doing that. So, I help them do that. I help them access affordable housing, or apply into college, if that's something that they, a goal of theirs. Also, I work with students who participate in the Transition program, we developed a second program, which is called Project TAP, and it's a summer program. That is partnered with the Substance Abuse Council and the Evansville-Vanderburgh Wrap Around. We had developed this program because we decided that the kids that have developmental disabilities need more social skills and communication skills and just in various areas. The project, TAP, runs three days a week in the summertime. I brought some of the students here, they are in the back, they are here with me today because we're in the middle of our program today. So, I think they are happy to be here. One of the students will speak in a minute. Some of the things that the kids are learning, well, of course, they have to learn about drugs and alcohol, because the Substance Abuse Council is involved. So, they do some prevention things, some communication skills, they are learning about nutrition, and self advocating, learning about safe dating and relationships, and cooking and life planning, all those good kind of skills that they kind of need to be successful in an adult environment. Some of the, I have speakers that come in throughout the sessions. We've had speakers talk about nutrition and germs and advocacy, and we had a DARE officer come in and they are going to participate this week in stress bingo. They also are going to enjoy the FOP camp. So, that's the things that they are planning on doing. So, then we have a complete second summer session that will start in July. So, then I think Carmen Embry is here to talk about the Best Buddies program.

President Musgrave: Welcome, Carmen.

Carmen Embry: Thank you. Thank you very much. Thank you for allowing us to come this afternoon. If you're not familiar with Best Buddies, Best Buddies is an international organization that was started by the Kennedy-Shriver family several

years ago. This program is designed to assist individuals with developmental disabilities and developing relationships with students who are in college. We've tried for several years to get a Best Buddies chapter started in Evansville, and there has not been any funds nationally to do so. About a year and a half ago, they contacted us at ARC and said they were ready to look at the Evansville area to start a chapter at the U of E campus. We were so excited. The U of E students were so excited about doing this. We were looking at a very small program at first, maybe around ten to 15 students, and then matching them with individuals who need support services from the ARC. We have successfully matched 44 individuals at the University of Evansville—

President Musgrave: That's wonderful.

Carmen Embry: —with 44 buddies. What happens is, these individuals are matched with people with similar interests. They get together one time a month, as a group, and do some kind of social activity, or attend computer classes at U of E. Then the buddies make a commitment to have weekly contact with the individual that is their buddy that they are matched with through Evansville ARC. The exciting thing about the U of E chapter was this was their first year, and they were nominated nationally to be recognized as the "Best New Chapter". The U of E chapter was recognized with not only the "Best New Chapter", but they were recognized as being the "Best Chapter", because of the activities that took place on the U of E campus this year. Also, Diane Triplett, who is the, she is my cohort, she is the one that is responsible for the students at U of E, she received an award for the "Best Faculty Advisor". So, the program was just quite successful this year at U of E. We started a chapter at USI as well this past winter. Because we were so busy at U of E with that many students, we wanted to keep it down a little bit. So, we stuck to ten student matches at USI. Some of the things that we've seen as a result of this is that naturally students at the university are learning about individuals with disabilities, and they are learning how to develop friendships and relationships with them. The folks that are their buddies are getting to be out in the community integrated, doing things with people that aren't family, aren't paid staff, that are people that just want to spend time with them. I want to introduce to you an exceptional young lady. Belinda has been involved in the Transitions program, she's also in the TAP program, and she's also a Best Buddy. This is Belinda Morrison, and I'm going to kind of ask Belinda to share a few things with you. Belinda, would you kind of tell them about some of the things that you've been learning in the TAP program with Lyneve this summer?

Belinda Morrison: I've been learning how to progress on how to learn how to cook. I've been learning how to, with food, how to profess with food, how to, nutrition. I've been learning about the, if you need help from the police officers, they'll help you. And, I've been learning, that's mainly it.

Carmen Embry: What are some of the things that you've really enjoyed doing with the TAP program this summer?

Belinda Morrison: Meeting new friends, and learning new stuff.

Carmen Embry: Okay. You're also in the Best Buddies program at U of E. Tell me a little bit about your Best Buddy, Lindsey.

Belinda Morrison: Lindsey is 21. She goes to U of E. She is going home for the summer. She contacted me when we was, for my birthday, when I turned 19. She

contacted me for my 19th birthday and wished me a happy birthday. Then we went out to parks, we took pictures, and then sometimes we go to the mall.

Carmen Embry: You guys did some things around the U of E campus as well?

Belinda Morrison: Yes.

Carmen Embry: Okay. You graduated from Bosse High School, and what are some of the things that you want to do now that you're out of high school? Do you want to find a job? Do you want to volunteer somewhere? What would you like to do?

Belinda Morrison: I would like to find a job. I would like to help people like me learn that they're just as normal as everybody else in the world. If somebody has something to say rude, say like, "You're gifted from God. You're a special gift."

Carmen Embry: That's good. You have been involved in a lot of programs at Evansville ARC. Would you like to share with the Commissioners why it's important for you to be involved in these programs?

Belinda Morrison: Well, it's important for me to be in these programs, because if I was not in these programs, I could be at home being, doing nothing, just sitting there wasting away on the couch or in bed. Or I could be out on the streets doing drugs.

Carmen Embry: Okay. Is there anything else that you would like to share with the Commissioners today about what you've been doing?

Belinda Morrison: I think that, I hope Evansville ARC will get lots of more fundings, and I hope it will stay open for a very long time.

Carmen Embry: Thank you.

Belinda Morrison: Thank you.

Carmen Embry: So do we. Thank you.

President Musgrave: Thank you.

Commissioner Shetler: Thank you.

Theo Boots: I don't need to say much more, do I? But, I just want to take the time though to thank you all for your support. Because programs like Best Buddies and Successful Transitions do not receive state funding. If we did not have funding from the Commissioners and from our private donations, we couldn't be able to do that. So, individuals like Belinda wouldn't be able to receive services. There is a parent who told me from Best Buddies that, they had a Best Buddy, and this was the first time that anyone had come to their home and picked their son up, other than a family member, to take them just out to eat. So, it is important for programs like ARC to help individuals integrate in our community. We thank you for your support.

Commissioner Nix: If someone's watching today, how, and they want to give to Evansville ARC, what's the different ways they can do, financially, or helping out?

Theo Boots: There's many ways that you can help Evansville ARC. 428-4500 is our phone number. You can look us up online, evansvillearc.org, but more than just

financial donations, which we are always looking for, but if you are an employer and you're looking for someone, you need a good employee, we have many individuals out there looking for jobs. They really want to work. They just need an opportunity. Also, in the Connections for Life program, which Carmen also runs, we need sites out there. We have people who want to volunteer in our community. We have probably about, I'm probably going to get the numbers wrong, Carmen, but probably about 70 individuals who are volunteering now at over 100 different sites in our area. So, if you want to be a site that needs some volunteer work, we would look for that too. If you want to come to our daycare and read to our children, there's just so many ways that you can help Evansville ARC.

President Musgrave: And that's Evansville A-R-C dot org.

Theo Boots: Yes, correct.

President Musgrave: I know that we will be including your budget request in our budget to Council this year, as the Commissioners have done every year for quite a long time. So, I hope that the students aren't worried that the Commissioners are putting anything to change in our budgets. So, we're looking forward to continuing your support. You come every three months to let us know how you're doing, and this is a regularly scheduled presentation, nothing has happened.

Theo Boots: That's correct.

President Musgrave: Alright. Thank you, Theo.

Theo Boots: Okay, thank you very much for your time.

Commissioner Nix: Thank you.

Commissioner Shetler: Thank you.

Permission to Award: VC06-06-02: Concrete Repair of Various Roads
--

President Musgrave: Next item on our agenda is the County Engineer, permission to award VC06-06-02, concrete repair of various roads. Engineer Stoll?

John Stoll: I just want to request approval to award the contract to J.H. Rudolph for the amount of \$489,914.60. They were the low bidder on the project.

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. Thank you, sir.

**First Reading: Ordinance CO.06-06-012:
Concerning Abandoned Vehicles**

President Musgrave: Next on the agenda is county ordinance 06-06-012, concerning abandoned vehicles. This is the first reading. Mr. Shetler, do you have anything you would like to say?

Commissioner Shetler: Well, this is basically one to just really get the ball rolling and introducing it. There will be some amendments made to it, and perhaps Mr. Ziemer would want to address that.

Ted C. Ziemer, Jr.: Thank you. Yeah, currently the ordinance you have in front of you provides, 10.50.50 that the Building Commissioner will handle the sale of abandoned vehicles, or abandoned vehicle parts. Since drafting that, we've learned, and we've had a conversation with Sheriff Eric Williams about this, and we think we'd be better, I think, to substitute the Vanderburgh County Sheriff for the Building Commissioner. Actually, just to delete the Building Commissioner from this ordinance entirely, since the Vanderburgh County Sheriff already disposes of vehicles on certain occasions for other reasons. So, we would plan to make that change in time to have it here as an amended ordinance when you do second reading.

President Musgrave: You mean Deputy Sheriff Eric Williams?

Ted C. Ziemer, Jr.: Deputy Sheriff, yes.

Commissioner Nix: Chief.

Commissioner Shetler: The basic purpose is that, in the future, sometime down the road here, I plan on, with all our efforts and everything, perhaps putting together a task force to assess the county's different gateways that we have within our community. You know, we need to clean up a lot of the areas, and I think this is the first effort to try to bring back that sense of pride that we have in our community, that many of our people feel, and would like to share it with everyone so that we dispose of the litter and the weeds, and abandoned vehicles goes a long ways to help trying to do that. You go across I-164, you look down into some of the areas and you see some vehicles that have been sitting there for a number of years and rusted out and that, and it's time that something is done about it. Vanderburgh County hasn't done anything about it. The city has an ordinance, and this is taking what they have and Posey County and a few things that Mr. Ziemer felt that would help add some teeth to it. So, that's the purpose behind it, and we hope to have public hearing later on and the final reading later on sometime in July.

President Musgrave: Commissioner Shetler, I know this is your initiative, and that you do desire to make Vanderburgh County the sort of place that people take pride in moving in, and if this ordinance will help, I'm all for it. I've had a lot of experience with the abandoned vehicle ordinance inside the city, and having cars that are not functioning, rusted out, I know some we've had in the city have been there, or had been there so long that they had trees growing out of them. So, I know it's important to keep things like this moving. That you don't allow the accumulation of abandoned vehicles. So, I'm pleased that you brought this forward. Is there a motion for the first reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

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.

<p>Second/Final Reading: CO.06-06-010: Establishing Governance Structure for Data Processing/Information Technology</p>
--

President Musgrave: We move now to CO.06-06-010, the establishing ordinance for the structure for data processing/information technology. This is the second and final reading. Is there any comment on this?

Ted C. Ziemer, Jr.: Only this, that the ordinance in front of you has been, at least it's suggested that it be amended by changing the number of members on the ITAC board from 26 to 28, and doing that by adding another appointee of the Mayor and by adding the Executive Director of the Vanderburgh County Department of Health. So, should you decide to approve that, this would be as amended from the first reading.

President Musgrave: Is there a motion--

Commissioner Nix: So moved.

President Musgrave: --of the amended?

Commissioner Nix: Excuse me, so moved.

Commissioner Shetler: I'll second. I will say that since November, when I went on the Commission, this is one of the first things that I was approached about is on this. So, I've looked at it, studied it for a number of months. The one thing that does concern me greatly, is the fact that it is such a large, and I hope not cumbersome, but it's such a large entity here that sometimes that impedes progress, when it is so large. To get some kind of consensus going here. So, I guess, I'm cautioning that, you know, that that is a pitfall that could end up, or we could end up seeing in the future. But, I do think it's something that all of the elected office holders are looking towards.

Ted C. Ziemer, Jr.: Just to comment, Commissioner Shetler, that the reason it's so large is the desire was to give representation to almost anybody you could think of. That has happened here.

Commissioner Shetler: Yes.

Commissioner Nix: I just think we need to monitor it, and make sure that as time goes on that things move forward with this, and, hopefully, we get a good enough group of people together we can make this all work.

President Musgrave: Well, are you willing to be the Commission appointee to this?

Commissioner Nix: I sensed that was coming.

President Musgrave: Yeah?

Commissioner Shetler: I'm glad I quit talking when I did.

Commissioner Nix: Yes.

President Musgrave: You are? Alright, do I hear a motion not only for the second and final reading, but to make Bill Nix our Commission appointee?

Commissioner Shetler: So moved. Quicker.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: This does require a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

**Second/Final Reading of Ordinance CO.06-06-011:
Amending Titles 15 & 18 of County Code
(Mobile Homes/Flood Protection)**

President Musgrave: We move now to our third ordinance of the day, 06-06-011, amending Titles 15 & 18 of the County Code. This regards mobile homes, flood protection. This is the second and final reading. I'm not going to call you a Commissioner again, Building Commissioner, Roger Lehman.

Roger Lehman: City and County Commissioner.

President Musgrave: Yes, is here to discuss, as he was not able to be here last week.

Roger Lehman: Thank you, President Musgrave and Commissioners. We do have a proposal before you that is the same form that was submitted and passed by the

city last week. We felt that this was necessary because of the damage from the tornado and what we considered to be excessive damage beyond those homes that were hit directly by the tornado. Upon checking, we found the state was not doing an exhaustive job of inspecting, to put it nicely. So, we intend to do that ourselves. This ordinance does provide for permits for installations of, and relocations of manufactured housing. It also provides for the inspection and upgrade of existing homes, if they are found to be lacking in that. Having said that, we understand that one of the reasons some folks live in these homes is because of afford ability, and we have therefore applied to the state for a couple of grants that would help offset some of the costs of the upgrades. Just for your information, we've inspected about 150 homes, since the tornado, that have been re-installed and are now in compliance with the manufacturer's installation standards. Which is the primary standard that we will use for newer homes as they are relocated. The standards that are included in this ordinance will be for those who do not have manufacturer's standards available, and for older homes that were installed many years ago, and we have applied the standard the state used to have for the real old homes. It's impractical to try and make them like a new home when they're 50 years old or 40 years old. Having said that, I believe there's some folks here, you might want to have some comments from the public, if that's acceptable at this time?

President Musgrave: Alright.

Unidentified: You answered my questions, young man.

Roger Lehman: Yes, sir, please.

President Musgrave: Be sure and state your name and address when you come to the microphone.

Art Richey: I'm sorry?

President Musgrave: State your name and address. Okay, thank you.

Art Richey: My name is Art Richey. I'm actually here to help my wife out. She lives here in Vanderburgh County. My ex-wife. She has a home at Parkview Mobile Home Park. Our concern and question is, with this new regulation, I mean, her home's been there 20 years, her dad's home's been there for the past 13 years. A lot of winds, a lot of storms, a lot of flooding has come through there, and no damage to these homes. With these new regulations, is it going to mean that the new strapping, and, I guess, this question would go to you, it says, "over the top", is this where these straps will have to go? Over the top of the mobile home? The new ones that are installed? Because there's no way to go inside the wall.

Roger Lehman: No, and I need to tell you the answer in here. Because this is for the Commissioners and public information also, the reference to the "over the top" straps, in the ordinance, refer to only those homes that are currently equipped with them. If it does not have over the top straps, there is no requirement for those to be added. The only thing to be added under this ordinance is frame straps, if they don't have them.

Art Richey: So, if they don't have them, instead of going over the top, we can go with frame straps with the cork screw anchors?

Roger Lehman: Yes, the ground anchors.

Art Richey: Okay, and they don't have to be set in cement?

Roger Lehman: No, they have to be installed according to the standards of the manufacturer as they are now, correct.

Art Richey: Now, the other question being, I noticed on the back side of this, and I hadn't even realized, and this gentleman was kind enough to send a copy of this to me e-mail so that I could go through it, this is concerning some of the floods and flood plains. Parkview is located right there on Locust Creek. In the 12 years that we have been there, or she has been there, we have had two floods, they came right up to the underneath side of the mobile home without getting into the insulation or anything. This states that you have to be one foot above the flood plain?

Roger Lehman: Well, again, this will, this requirement is for reinstallations of homes in the flood plain.

Art Richey: So, existing is not a problem?

Roger Lehman: Existing it does not affect.

Art Richey: Fortunately we, I mean, when we had the flood several years back, we had flood insurance. I'd been in New Orleans 20 years—

Roger Lehman: Okay.

Art Richey: —when I moved up here, I said, “Yeah, I want it!”. Didn't know that it would happen, but, so, that does not affect her?

Roger Lehman: No, no.

Art Richey: Appreciate it very much. Thank you for your time.

President Musgrave: Thank you.

Commissioner Nix: Roger, I had a question, maybe a couple.

Roger Lehman: Yes, sir.

Commissioner Nix: If state money isn't available for existing homes, how will that be handled then? In other words—

Roger Lehman: We have some contractual services money in our budget, not enough, and if the state, I've been told that the state is very favorable to this, so we are kind of counting on them coming through. If they do not, then we will likely be back before this body and the City Council asking for some assistance.

Commissioner Nix: So, basically, what you're saying is all new installations, what this says is, the ordinance, all new installations will meet all these requirements. So, that's a given and that's taken care of by the homeowner as they purchase the property. It has to be installed by a licensed contractor—

Roger Lehman: Right.

Commissioner Nix: —which we're also setting out.

Roger Lehman: That's not a cost issue, because that's just part of the cost of putting it there.

Commissioner Nix: Exactly, but, once again, all existing homes, as of right now, it won't be mandatory that existing homes do this, unless we offer them some assistance, financial assistance to do it.

Roger Lehman: That is our policy. That is not the ordinance. The ordinance mandates that it be done, because the public safety isn't really arbitrary. I mean, we have to maintain the public safety, and this ordinance is aimed to that. Our policy, and we will do everything within our power to be sure that those who cannot afford it, have some means to do it. We have some other options besides the state funding, and besides coming here, but our first line is the state, and our second line is some other resources, and you guys would be our third line. What will happen is, if we go to a place and it's totally unsafe, we will even go to the extent of trying to find some benefactor, philanthropist that would be willing to do it, if necessary, if the people are really, you know, unable to.

President Musgrave: I attended one of the hearings that you had, it was a couple of months ago, I think, and I know that some of the folks came up to you afterward and said that they were prompted by the hearings to take a peek underneath their skirting to look at the frame of the mobile home and were shocked to find that there were no straps whatsoever under there.

Roger Lehman: Yes.

President Musgrave: I'm really glad that, for their benefit, that this process has come about. But, I do want to say that I am sensitive to the cost issue, and should the state not come through, I would be more than happy to pursue local funding options.

Roger Lehman: Thank you.

President Musgrave: As a child, I grew up with my father who was in the military, and one year the U.S. military saw fit to send him some place where the family wasn't allowed to go, and, so, we lived in a mobile home, my three sisters, my mom and I for a year. The following year the mobile home next to us, after we had gone to the next base, was blown down the hill. I was traumatized by the thought that I could have lived in that one. So, yes, the cost is important, but the safety is paramount. So, I'm pleased to move forward with this.

Roger Lehman: Okay.

Commissioner Shetler: Roger, is there anyway of quantifying the strength or stability after, of the structure, after these are put in place? I mean, does it, for example, if, right now, they would withstand an F-1 storm, would it increase it to an F-2? Or, you know, wind structure or wind that might be say at 40 miles an hour and this will help it, stabilize it to a point that it could withstand a 50 mile an hour wind?

Roger Lehman: There's so much variation in the way the homes are built, it's very, very difficult to get a definitive answer to your question. Basically, we had an engineer come down after the Eastbrook event and analyze what was present at Eastbrook. We felt like that was fairly representative of the homes built in the last ten to 15 years, not the older ones, but at least those built in the recent history. The information that we gleaned from those engineering reports is what helped us kind

of craft this standard for the local. The 12 foot on center and two foot from each end for the newer homes built after the early 90's. The homes before that, the Indiana standard was 24 feet on center and six feet from each end. That, obviously, does not provide the same amount of holding power as 12 feet apart and two feet from each end. But, when you come down to what wind will it resist, and, actually, everywhere away from the coast, they only are required to resist 90 miles an hour. That's the standard by the code. That's the building code that's followed by the manufactured home industry, as well as by the conventional home industry, as well as by the commercial building industry. So, 90 miles an hour is kind of the goal. The 12 and two will meet that. The 24 and six probably will not quite meet that, but most of the older homes are smaller and shorter, so, they have less surface area to be affected by the wind. So, it kind of makes sense, even though I can't give you a detail of the way each one works.

Commissioner Shetler: Right, I guess, you know, it's one of those things, when I get ready to invest or to spend some money on something, I kind of like to know what I'm buying. I think that if people knew that this was going to increase the safety and the structure 20 percent or 15 percent on wind sheer, or, you know, whatever norms that you would use, that they would at least know what they are buying into.

Roger Lehman: Right, I understand.

Commissioner Shetler: I mean, I think it's a great ordinance. I think it's something that absolutely has to be done. But, I'm just trying to sell it to the public now to get the existing people to buy in.

Roger Lehman: Right, and our feeling is the 12 and two meets or exceeds the 90 mile an hour requirement. The 24 and six probably does not, but, again, some of those homes don't even have frames, there's nothing to tie to. So, there's going to be times when we can't, I'm not sure what we're going to do. But, when we come across those, we'll definitely have a couple of engineers in town who have kind of offered their services to us on a, you know, not an unlimited basis, but on a limited basis to help us out with some of those questions. But, again, with this standard, the 12 and two, the 90 mile an hour, I think, I can safely say will meet or exceed the 90 mile an hour minimum, or 90 mile an hour wind speed. Which we have not experienced, other than in the tornado, we've had 60 mile an hour gusts, and I think maybe even a 70, but I don't think we've ever had a 90 that I'm aware of. So, most people, as the gentleman said, he had a home and it's been there for 20 years and it's never been damaged by wind. But, again, I don't believe we've ever had a 90 mile an hour wind either.

Commissioner Shetler: Right.

Roger Lehman: Long answer to a good question, but we will attempt to quantify it in some non-technical, understandable way as we go.

Commissioner Shetler: Alright, thank you.

Roger Lehman: Sure.

President Musgrave: Any other discussion? Is there a motion to approve?

Roger Lehman: If I might? We do have two other, three other parts of this ordinance that are all kind of bunched into one. If I could touch on those for just a second?

President Musgrave: Certainly.

Roger Lehman: So, that we do cover all the things in the public record. One is the fee changes, there are just a couple of minor fee changes in there. One is a composition of the Building Commission/Construction and Roofing Board of Examiners. We took away one restriction on who the Commissioners and who the Mayor could appoint, and made it a little bit broader so they could, your ability to appoint somebody to that board is expanded in the group of people who you can appoint. The last thing is on the flood plain changes, and these are changes that we've been actually operating on for the last three years, because when we passed our flood plain ordinance in 2003, I believe, it might have been 2004, there were some errors in there that we didn't catch until after the fact. It would have effectively made everybody build everything two feet higher than the ordinance intended for them to do. So, we've actually been operating under what this ordinance is now saying, and will be the legal standard for the last three years. So, this kind of ratified what we've been doing, which we appreciate. I don't know if anybody has any comments on any of the rest of this. I don't think so. So, we should be good to go.

President Musgrave: Alright. If there's no further discussion from Mr. Lehman or anyone, is there a motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: This also requires a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Show it as passed.

Roger Lehman: Thank you very much.

Commissioner Nix: Just one, just a comment—

Roger Lehman: Yes, sir.

Commissioner Nix: —I appreciate all the hard work. I know this has been a grueling task for you since the 6th of November, or thereabouts, and you and your staff and everybody that you work with has done, I think, an excellent job to try to move this forward. Once again, thanks for everything you've done.

Roger Lehman: Appreciate that, I appreciate attorney Ziemer working with us on it too. So, thank you.

**Public Defender Agency: Professional Services Agreement: Bob Canada
Commissioners: KRONOS Professional Services Agreement
Commissioners: Encroachment Agreement for Bus Benches
County Assessor: Tax Management Contract**

President Musgrave: Contracts, agreements and leases, we have several. The Public Defender Agency agreement for professional services, the KRONOS maintenance agreement, and the encroachment agreement for bus benches, and Tax Management contract. Mr. Ziemer, I believe you've looked at all of these?

Ted C. Ziemer, Jr.: Yes, I have.

President Musgrave: Any comments on them?

Ted C. Ziemer, Jr.: No, they're all satisfactory for execution from a legal perspective.

President Musgrave: If you would like, we can take them all in one motion to approve?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

County Engineer

President Musgrave: We only have one department head, Mr. Stoll, do you have anything to report? Okay. Do any other department heads have anything to report?

Ted C. Ziemer, Jr.: I do.

President Musgrave: Okay, so, after Mr. Stoll.

John Stoll: I've just got two items for the Green River Road-Lynch Road intersection turn lane project. The first is a Mylar cover sheet needs the Commissioners signatures. So, I would request that you sign off on that. This is the project that adds right turn lanes on the east, south and west legs of the intersection, and installs a raised median on the south leg of the intersection.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The second item is approval on the Notice to Bidders for that same project. In conjunction with that, we were requesting that you authorize us to charge a \$50 fee for those plans.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Were you successful in getting the PDF files from the vendor?

John Stoll: I haven't talked to them as of yet, but I will do that tomorrow morning.

President Musgrave: Okay. So, the goal here is to not only, if you have to have a copy of them, that there is a fee schedule in place, but if we can put them on line, so that folks can print them down without bothering the engineer or his staff, then they can go do that.

John Stoll: I'll talk to the consultant. I just didn't get a chance before today's meeting, but I'll get a hold of them tomorrow and, hopefully, we'll have it ready by Friday.

President Musgrave: Okay.

John Stoll: Thanks.

Commissioner Shetler: Thanks, John.

County Attorney

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, a company called Noorthoek Corporation was sued by Mannon Illinois Company in Vanderburgh County. The contract provided for arbitration to be conducted in Indiana. Noorthoek Company, contrary to that provision, filed arbitration proceedings in California. He ordered the attendance at that proceeding by Judge Heldt and the Vanderburgh County Commissioners. We have prepared a brief and a motion to dismiss that proceeding in California. No one in our firm is licensed to practice law in California. We're required to get local counsel in California. We have a firm that our firm uses regularly when we have California issues, and we want to refer this matter to that firm. Their fee, which is low for California, will be \$400 per hour. We expect their time to be one or two hours. We're doing all of the briefing ourselves, but we must have California counsel to carry it to the court in California. So, I have two copies of a contract with that firm that we would ask the Commissioners to approve today.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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

President Musgrave: What's your estimation of success?

Ted C. Ziemer, Jr.: Oh, we're going to be successful. There isn't any question about it.

President Musgrave: Thank you.

Ted C. Ziemer, Jr.: It's classic frivolous law suit, but unless you want to go to California, which would cost the county a lot more than the \$400 for a couple of hours.

President Musgrave: Where at in California?

New Business

President Musgrave: Next on our agenda is new business. Dave Rector is here to discuss the signage at the Centre, and has proposals. I've had several discussions with him on this point. Mr. Rector?

Dave Rector: Good afternoon. Dave Rector, Building Authority. Commissioner Musgrave has been working with SMG on some additional signage for the Centre. We have some proposals for you to consider. I was wanting, as a courtesy, I know the Building Authority owns the Centre, but I think it's our obligation to make sure that you guys are included in what goes on over there, and I would like your consensus with this. Because, I have a board meeting tomorrow, and if you guys are good with it, then I'll run it by them, and then I can start the process. We'll have to go for a variance with the BZA, because of the way it's zoned and the square footage of signage we have. But, anyway I have two different ones. One is large letters from 15 inches to six foot that would go on the three corners of the building, perhaps four. The other would be letters that would go above the entrance at each door. As I think you all probably agree, the signage is lacking at the Centre. I think this is really a neat way of trying to identify it better.

Commissioner Nix: Mr. Rector, is there some lights or something? Or is this, the sign will actually be illuminated within itself?

Dave Rector: This is lit. The others would be just above the doorway, and you would have the entrance lighting, but the large ones here that you see would be lit. The price on the large ones, I thought was pretty reasonable, just a budget estimate was around \$4,000 and we would have to take power to it. The other ones that are just applied above the doors were just several hundred dollars for all of them.

Ted C. Ziemer, Jr.: Do you want to do that, or get ten hours of this attorney's time in California?

President Musgrave: I think this looks great. I know that the Centre has worked very hard finding appropriate signage. We did a lot of walking around the building one day. I did drive down Martin Luther King today, approaching it from this direction, and I noticed that your trees are blocking the view.

Dave Rector: We need to trim some.

President Musgrave: I don't know, you should take a look.

Dave Rector: We've got a lot of trees we actually should be trimming. I have heard a lot of comments from people about they don't know the Centre is the Centre.

President Musgrave: No, no one knows what that building is.

Commissioner Nix: This would be in three locations?

Dave Rector: Three, possibly four.

Commissioner Nix: Four. Basically, one in each direction?

Dave Rector: Uh-huh.

Commissioner Nix: Okay, from the end of the building?

Dave Rector: I think Commissioner Musgrave and I talked today, if we could, we might get one on Walnut Street also.

President Musgrave: As you're coming down Walnut Street, toward downtown, that, the back brick wall. Again, you don't know what that building is.

Commissioner Shetler: David, I'm sorry, you said it was \$4,000 for, and I didn't catch the rest.

Dave Rector: Each sign, the large signs, and then we'll have to run power to it. So, it would be additional to that.

Commissioner Shetler: So, total costs with everything here?

Dave Rector: For the large signs, if we did four of those, and the others, \$20,000 to \$25,000. And we have that already approved in the 2007 CIP that you all had a few months ago.

President Musgrave: Some other signs that we're working on are signs on the Lloyd Expressway. There are no "turn here to go to the Centre" signs. There are no signs up and down Martin Luther King, "Centre that way" down Walnut, either direction. So, I know that the Centre is working with the Safety Board to get some of those.

Commissioner Nix: One other location I thought about the other day was off 41 south and north on to the Lloyd, because I know U of E, there's some other signage there, maybe we could incorporate with that or something.

Dave Rector: We've talked with some of the representatives, and they have, State Representatives, evidently there's some signage restrictions, we can only have so much for so many things.

Commissioner Nix: Sure. If we could do it, I think that would help

Dave Rector: I think we could come up with some additional signage.

Commissioner Shetler: Perhaps Representative Crouch might be sympathetic, since she had to sit in one of these chairs at one time, and she would be sympathetic to our plight here. Then I think the other signs could possibly come out of that 14 percent that we pay for the city-county sign department. We could continue to get our fair share there. So, anyway.

President Musgrave: I think we should go ahead and have a motion to approve these signs, whether there's three or four. I hope that there will be four.

Dave Rector: Sure.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: If I may, while I'm up here, something else had come up—

Madelyn Grayson: Can I change the tape real quick, Dave?

Dave Rector: Sure.

President Musgrave: Oh, I'm sorry, I forgot about your beeping.

(Tape Change)

Dave Rector: Ready? We had to replace the air dryer on the air compressor system over there. We're getting a lot of condensation in the air lines. Scott Moore asked if I would bring this before you. Johnson Controls came out and removed the old air dryer and put a new one in. It was \$2,390. I think that's an appropriate expenditure from F&B, but wanted to request your permission to do that.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Dave Rector: Thank you very much.

Commissioner Nix: Mr. Rector, I know you and I have spoken about this, but maybe to convey to the other two Commissioners where we're at with the old jail space, as far as the design and for the demolition project and where we're at?

Dave Rector: The end of next week we should have a 90 percent complete package for us to review then to see if we like the direction it's going. By the middle of the month we hope to have a 100 percent package. After that, we'll have notification to bid, we'll get the quotes in, and then we'll have to determine how we're going to fund the project. The meeting, you and I and the judges and the Sheriff have next week hinges critically around what we're doing with the old holding cells, versus how we demo that project.

Commissioner Nix: And what we're looking at on that is how we handle what space we need for holding, where we put it and how it works in with the demolition project and that. So, like I said, we're going to meet, is that next Wednesday?

Dave Rector: Wednesday, July 5th.

Commissioner Nix: Yeah, we're going to meet and then, I guess, we'll get back and give a report back to the Commission at that time then?

Dave Rector: It's a convoluted project. It really is. Either they stay or they don't, and if they stay, then we can't just disconnect piping, because it's connected to other piping. If we move them out, then we're going to have to have a different facility. This is going to be a bit of a process, but one that's necessary.

President Musgrave: I know we were waiting on some of the audio/video things that we need in this room, but you had gotten some prices, along with Matt Arvay, for some equipment. Are you ready to proceed with that?

Dave Rector: I got from Mark, actually, his recommendation on the projector we need. The other audio/visual equipment for in here, their recommendations is what I'm going to get. It's like a computer, I can turn it on. So, I'm going to get with Mark and figure that out, and I'll get it purchased and installed for in here. It would be something that we could move to a new meeting room, if we need to.

President Musgrave: Do you have any idea of a time line on that?

Dave Rector: I just got that from him yesterday, Friday the projector, and yesterday the other stuff. I'll get with him this week, and, hopefully, order it next week.

President Musgrave: Okay. That would be good. Anything further?

Dave Rector: No.

President Musgrave: Alright, thank you.

Dave Rector: Thank you very much.

Commissioner Nix: Thank you, Mr. Rector.

President Musgrave: For those in the viewing audience, we will not have a meeting next week for the Fourth of July holiday. Our next meeting will be July 11th. So, no meeting next week. Is there any other new business?

Old Business

President Musgrave: We move on to old business. I am sorry to report that our application for the Transportation Enhancement project for Burdette Park-University of Southern Indiana Trail that we made to Indiana, INDOT in particular, has been denied. We received a letter from Jeanette Wilson, the Transportation Enhancement's Program Manager, informing us that the committee awarded 19 million dollars to 25 other projects, but not our project. So, I am going to suggest to the Commissioners that we put in approximately a million dollars in the budget request that we will be sending to Council later on this week, in the CCD funding, I believe, or perhaps in discussions with the Auditor and Councilmembers they will have a suggestion as to a different fund to put it in. Our funding request, at least to this, has been denied. As you know, we received the good news that the federal government was giving, or we're in the process in a bill where we have two million dollars for University Parkway, but we had asked for money for Burdette Park there, in that bill as well, and it did not get any in that bill. There's one other possible opportunity outstanding at the federal level, and we've got a couple more weeks before we get any information on that. So, good news on University Parkway, bad news on the Burdette Park trail. Is there any public comment about any item under the Commissioners control? I see no normal people here, just members of the media and others. Oh, you have another piece of old business, Commissioner?

Commissioner Nix: I guess, on old business, not to take any thunder from the ordinance that we passed a few weeks ago, but this is kind of to emphasize the importance of the ordinance, the smoking ordinance that we passed. I ran across this this morning early. This is an article from AP, and I'm going to read just a little bit of it. I don't want to take a lot of your time, but this is from Washington D.C. It states:

"Separate smoking sections don't cut it. Only smoke-free buildings and public places truly protect non-smokers from the hazards of breathing in other people's tobacco smoke, says a long awaited Surgeon General's report. Some 126 million non-smokers are exposed to second hand smoke, but U.S. Surgeon General Richard Carmona repeatedly calls "involuntary smoking" that puts people at increased risks of death from lung cancer, heart disease and other illnesses. Moreover, there is no risk-free level of exposure to someone else's drifting smoke, declares a report issued Tuesday. A conclusion sure to fuel already growing efforts at public smoking bans nationwide. Fourteen states have passed what are considered comprehensive smoke-free workplace laws those that include restaurants and bars. Exposure to second hand smoke remains an alarming public health hazard, Carmona said. Non-smokers need protection to the restriction of smoking in public places and work places, and by smokers voluntarily not puffing around children."

It goes on to say:

"There is no longer a scientific controversy that second hand smoke is a killer, he said. This report eliminates any excuse from any state or city from taking halfway measures to restrict smoking or permitting smoking in any indoor workplace."

President Musgrave: I was interested in reading this article, that California, let me see if I can find it here, California became the first state to declare second hand smoke a "toxic air pollutant". My question to you is, can Vanderburgh County declare second hand smoke a "toxic air pollutant"? If you can look into that between now and maybe our next meeting? I'm not sure how long it would take. I would really like to know that.

Ted C. Ziemer, Jr.: I'll take a look at it.

President Musgrave: Will you check with City Council to see if they've received this report? Maybe?

Commissioner Shetler: I'll check.

President Musgrave: Okay. Any other old business?

Public Comment

President Musgrave: I called for public comment, though being no normal people here.

Consent Items

President Musgrave: We have consent items. Is there any, is there a motion on the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:26 p.m.)

CONSENT ITEMS:

Employment Changes:

Superior Court (1)	VCCC (2)	Union Assessor (1)
Treasurer (1)	Sheriff Office (2)	Burdette Park (6)
Area Plan Commission (1)	Dental Clinic (1)	

Travel Requests:

Health Department (3)	Commissioners (3)	Auditor (1)
Treasurer (1)		

Health Department: Surplus letter: various items.

Commissioners:

Pay Requisition No. 81: Jail Project: \$714,207.19
Auction Status: Safe House Auction (5/30/06)
Letter of Agency: Comvest Communications
Department Head Meeting Notes: June 20, 2006

Treasurer: Monthly Report: May 2006.

County Clerk: Monthly Report: May 2006.

County Engineer: 2006 Local Government Cooperation Award Application.

Auditor:

Surplus Letter: chair.
Financial Statement: June 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Theo Boots	Lyneve Scott
Carmen Embry	Belinda Morrison	Roger Lehman
Art Richey	John Stoll	Dave Rector
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
JULY 11, 2006**

The Vanderburgh County Board of Commissioners met in session this 11th day of July, 2006 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 July 11, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

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: We will now do the Pledge of Allegiance. Please join me.

(The Pledge of Allegiance was given.)

Approval of the June 27, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of June 27th?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

**Permission to Open Bids: VC06-06-05:
Aabel's Park Sanitary Sewer Barrett Law Project**

President Musgrave: We have several action items today. Permission to open bids for VC06-06-05, Aabel's Park sanitary sewer. Is there a motion?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. We'll proceed to open those bids and have a report a little later on in the meeting.

**Permission to Advertise: VC-14-2006:
Tandem Trucks with Multi-Use, Heavy Duty Dump Body
and Cab Controls**

President Musgrave: Permission to advertise for bids. Debbie Spalding is here from Purchasing. Is there anything that you would like to say? This is VC-14-2006.

Debra Spalding: Just, I'm Debra Spalding, Purchasing Director for the City of Evansville and Vanderburgh County. I'm here today with my first request to seek bids for tandem trucks for the County Highway Department.

President Musgrave: Is there a motion?

Commissioner Nix: Move approval.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

**Public Hearing/First Reading of Ordinance CO.V-07-06-001:
Vacation of Drainage Easement at 7145 E. Virginia**

President Musgrave: We move now to the public hearing/first reading of vacation ordinance CO.V-07-06-001, for vacation of the drainage easement at 7145 East Virginia Street. Is there anyone here to address this? And, are you here to address this, sir?

Matt Lutz: Yes, I am.

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

Matt Lutz: My name is Matt Lutz with the law firm of Shively and Associates. Our address is 414 Citadel Circle, Evansville, IN 47715. I've provided Mr. Ziemer today with the actual boundary description of the easement to be vacated, as well as an executed easement to be granted to the county—

Ted C. Ziemer, Jr.: Did you give me that? I didn't see it.

Matt Lutz: I'm sorry. I gave that to Mrs. Grayson.

Madelyn Grayson: He gave it to me.

Ted C. Ziemer, Jr.: Okay.

Matt Lutz: The reason we're requesting to move the drainage easement is to make way for a 19,000 square foot building that will be worth approximately three million dollars.

Ted C. Ziemer, Jr.: Let's see, Matt, the legal description you gave us, you've given to Ms. Grayson, and she's going to attach that to the petition. Our copy did not have a copy of that attached, and that takes care of that. You have, you've provided me with an easement, and I made some modifications, and you've had that executed by your client, and you've given Ms. Grayson a copy of the easement. This will be the replacement easement, should this one be vacated.

Matt Lutz: Yes, sir.

Ted C. Ziemer, Jr.: And, you've provided, you do have a copy of the ordinance, and you gave me a copy of the ordinance today, which would be adopted at the next hearing, if it's approved on first reading today. You sent out all of the necessary notices to abutting landowners, and you heard from, got green cards back from all of them but two, but those were sent copies and I did see copies of the white cards for those. That those were sent out.

Matt Lutz: Yes, sir.

Ted C. Ziemer, Jr.: So, we don't have any objection from a legal perspective.

President Musgrave: We have received notice from the Surveyor, Bill Jeffers, and the Sheriff, Brad Ellsworth, that they have reviewed this application, and that they have no objections to it either. Does this require a roll call vote?

Ted C. Ziemer, Jr.: It does. This is first reading today, on this hearing.

President Musgrave: Is there a motion to approve the first reading?

Commissioner Nix: Move approval.

Ted C. Ziemer, Jr.: I guess, pardon me, do you want to see if there's anybody in the audience?

President Musgrave: I'm sorry, is there anyone here to speak to the vacation of the drainage easement at 7145 East Virginia? I see no one. I will call for a motion.

Commissioner Nix: So moved.

President Musgrave: I'll second. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. The motion carries. Thank you.

Matt Lutz: Thank you.

Ted C. Ziemer, Jr.: Thank you.

<p>First/Final Reading of Ordinance CO.07-06-013: Amending Title 15 of the Code of Ordinances</p>
--

President Musgrave: Next is an ordinance CO.07-06-013, an ordinance amending Title 15 of the Code of Ordinances of Vanderburgh County. It's the first and final

reading. This is to correct an error in the section of the ordinance regarding mobile homes that was brought to our attention. I would like to waive the first reading at this time. Is there a motion?

Commissioner Nix: So moved.

President Musgrave: I'll second. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. I would like a motion to approve the final reading.

Commissioner Nix: So moved.

President Musgrave: And I will second. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. That approves CO.07-06-013.

County Engineer

President Musgrave: We move now to department head reports. That's you, Mr. Stoll.

John Stoll: Ted has a question for me.

President Musgrave: Okay, are there any other department heads? My notes show that there are no other reports. Marissa, were there any reports from any other department heads?

Marissa Nichoalds: None today, no.

President Musgrave: Okay, then we will wait for Mr. Stoll.

John Stoll: I have a few items this afternoon. The first is a termination letter for the office cleaning agreement for the County Engineering Department. The agreement requires 30 days advance written notice to terminate. I would request your approval to sign off on the termination letter.

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next, I have a street acceptance request for Section Two of St. Charles Cove Subdivision. This is for 357 feet of Heard Street, 214 feet of Heard Court, and 175 feet of Juniper Court. I would request that the Commissioners accept those streets for maintenance.

President Musgrave: Would you go ahead and do the Lynch Road final acceptance as well?

John Stoll: Sure. We received that acceptance form from Bernardin Lochmueller, and that's one of the forms that needs to be submitted to the state in conjunction with closing out the project.

President Musgrave: If there's a motion to approve both?

Commissioner Nix: Move approval.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Let the record show that I seconded that motion as well.

John Stoll: Next, I have a change order on the Newman Road culvert replacement project. This was contract number VC05-12-01.¹ This is for an increase of \$6,736.73. The primary reasons for the increases were due to some additional gabions, some additional backfill behind those gabions.

Commissioner Nix: Move approval.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: And I vote yes.

John Stoll: The last thing, I just wanted to bring to your attention that there is a public information meeting set for the University Parkway project. This meeting will be held at West Terrace School at 6:00 p.m. on Wednesday, July 17th.²

Commissioner Nix: Mr. Stoll?

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

Commissioner Nix: Yeah, Mr. Stoll? On this public information hearing for the University Parkway, who all's been notified?

John Stoll: The consultant is notifying the affected property owners.

Commissioner Nix: Okay, have any of the neighborhood associations been notified also? West Side, or?

John Stoll: I can contact West Side.

¹Correct contract number is VC05-12-03.

²Correct date is Wednesday, July 19, 2006.

Commissioner Nix: I wonder if we ought to do that? Maybe have West Side and I don't know if there's anybody else that would—

President Musgrave: Linda Kleeck is President of the West Side Improvement this year, would probably be able to let you know if there's anyone else who should be notified. But, I think that they would appreciate notice of that.

John Stoll: We're going to send out a media notification as well.

Commissioner Nix: And maybe somebody from USI?

John Stoll: Okay.

Commissioner Nix: I thought maybe that might not hurt.

President Musgrave: She works at USI.

Commissioner Nix: Oh, she does? Okay, two birds with one stone.

President Musgrave: Did we have an agreement for the use of the room at Oaklyn?

Commissioner Nix: No, we haven't done that yet.

President Musgrave: Not yet?

John Stoll: The County Attorney is still working on that.

President Musgrave: Still working on it?

John Stoll: Yes.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: I've examined the agreement, and it has an open liability clause. I want that limited to the tort liability cap of Vanderburgh County. Steve Barber, the attorney for the library, and I are working on that. It will be ready for next week.

President Musgrave: Okay.

County Attorney

President Musgrave: Are you ready to open the bids?

Ted C. Ziemer, Jr.: Yes, I am. For Aabel's Park Subdivision, the sewer project. Summit Corporation bid \$403,171.65; Blankenberger Construction bid \$449,200; BMB bid \$252,442.30; Deig Brothers bid \$464,365.

Commissioner Nix: I move we take the bids under advisement.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. If there are no other department head reports, we can move now to new business.

Ted C. Ziemer, Jr.: Could I ask, excuse me, one question? I'm sorry. Mr. Stoll, did you provide the letter terminating the—

John Stoll: Yes.

Ted C. Ziemer, Jr.: Okay, you did that. Thank you.

President Musgrave: Just so the record is clear, terminating what?

Ted C. Ziemer, Jr.: The Jani Clean—

President Musgrave: Okay, thank you.

Ted C. Ziemer, Jr.: —cleaning contract.

President Musgrave: Alright.

Commissioner Nix: It could have been anything, right?

Ted C. Ziemer, Jr.: He read my mind, and we knew what we were talking about.

President Musgrave: Okay.

New Business

President Musgrave: Is there any new business? Seeing none.

Old Business

President Musgrave: We'll move to old business. Mr. Ziemer, I had asked a question at our last meeting about what California had done, and perhaps why they had declared secondhand smoke a "toxic air pollutant", and I believe between you and the Health Department there's been some research done. Perhaps you can tell us what that is?

Ted C. Ziemer, Jr.: Yes, we're not finished just yet, but what the State of California did was declare that Environmental Tobacco Smoke, which they call ETS is a "toxic air contaminant", which they call TAC. They did that acting under the provisions of the Children's Environmental Health Protection Act and Safety Code, which was enacted by the United States Congress. California did this through an agency called CARB, C-A-R-B, which is the California Air Resources Board, and that board is, I think we would equate it to the Indiana Department of Environmental Management, or IDEM. Both of those departments primarily deal with outdoor air quality, as opposed to indoor air quality, which Environmental Tobacco Smoke is mainly considered an indoor contaminant. One of the things we don't know yet, but we think that the measure initially came through the California Department of Health. It's not called the Department of Health, it's the California Department of Health Services, and I have spoken to Ken Ritter of the Clean Air Department of IDEM, just today, and he indicated, currently IDEM has not got anything on it's book relevant to any action concerning Environmental Tobacco Smoke. But, he wasn't surprised

at that since that is an indoor contaminant, as opposed to an outdoor one. He said he didn't want to make that his last word that there was nothing on the books, but he is not aware of anything, he's going to call me back. He did suggest to me that I should talk to a lady named Janet McCabe, which I haven't done yet, but I couldn't reach her. But, she was formerly with IDEM, and she now heads up an agency called Indiana Kids Environment, or the acronym IKE, I-K-E, and he thought that she might be able to give me a line connecting what California did versus what, if anything, is going on in Indiana in this regard. California, now that they have made this declaration, are kind of in a position of knowing what do we do next? It's going to involve a study, which is expected to be concluded in late 2007, which may lead to the Department of Health Services in California adopting further regulations somehow limiting Environmental Tobacco Smoke, but it's unknown what action that might be and what form the regulations might take.

President Musgrave: Basically, California is taking the initial steps to go somewhere that it's not entirely clear where they're going with regard to—

Ted C. Ziemer, Jr.: That's correct, but they have certainly recognized that Environmental Tobacco Smoke, based on all medical research is believed to be at least one of the principle causes of infant death syndrome.

Commissioner Nix: SIDS.

President Musgrave: Sudden Infant Death.

Ted C. Ziemer, Jr.: What?

Commissioner Nix: SIDS.

Ted C. Ziemer, Jr.: SIDS. So, they see some research connection between that. So, you know, perhaps on the right track.

President Musgrave: Thank you for looking into that.

Ted C. Ziemer, Jr.: Okay.

President Musgrave: I gather some people became convinced that the question of what did California do meant that the Commissioners were going to do something along those lines. Well, it's not clear what California's doing, and it might not be clear for many, many years.

Ted C. Ziemer, Jr.: It's not the first time it hasn't been clear what California's done.

President Musgrave: I know that on our agenda today in the documents that we keep on file with the Auditor, we're putting in a number of e-mails that we've received from the general public asking us to take further action on the smoking ordinance. I can state for myself that I don't have any plans to take any further action at this time. I think the Commissioners took very strong action. I join with those though who wish that the City's ordinance had mirrored the Commissioners ordinance exactly. I know Mr. Shetler is not able to be with us today, and I would, of course, defer to Mr. Shetler as he guided us through this process. So, I await any further desires from his—

Commissioner Nix: And, hopefully, the City, in time, will get on board with this. It's our wishes, or it's my wish, I should say, and I am not to speak for the other two Commissioners, but, I think, it's important that we move ahead with this, and do whatever we can do to get the City on board with it.

President Musgrave: Okay, is there any other old business?

Public Comment

President Musgrave: Is there any public comment on an item over which the Commissioners have any authority? I see none.

Consent Items

President Musgrave: Is there a motion to approve the consent agenda?

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Is there a motion to adjourn?

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye.

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

CONSENT ITEMS:

Employment Changes:

Sheriff Office (2)	Burdette Park (4)	County Highway (2)
Superior Court (2)	Health Dept. (2)	VCCC (1)
County Clerk (1)	Surveyor (1)	

Travel Requests:

County Clerk (2)	Health Dept. (4)	Commissioners (3)
Treasurer (1)	Auditor (1)	

Auditor: A/P Vouchers-July 2006.

Commissioners:

Letter to INDOT in support of relocation of SR57.
Weed liens.
Taxpayer comments on Mobile Home Ordinance.
Taxpayer comments on Smoking Ordinance.
State Board of Animal Health Contract for Bovine Brucellosis and Tuberculosis.
Council Call: Veterans Service.
Vision-e: Monthly report-June 2006.

Purchasing: Monthly report-May 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Debra Spalding	Matt Lutz	John Stoll
Others Unidentified	Members of Media	

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 18, 2006**

The Vanderburgh County Board of Commissioners met in session this 18th day of July, 2006 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 want to call to order the meeting of the Board of Commissioners of Vanderburgh County for July 18, 2006. It's 3:30 in the afternoon. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the July 11, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of July 11th?

Commissioner Nix: So moved.

Commissioner Shetler: I wasn't here.

President Musgrave: Oh, and I will second that. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Abstain?

Commissioner Shetler: Aye.

President Musgrave: Okay. Show the motion as approved.

**Permission to Open Bids for VC06-07-01:
Intersection Improvement Green River Road at Lynch Road**

President Musgrave: We have several items on the action agenda. We will begin with the permission to open bids for VC06-07-01, intersection improvement Green

River Road at Lynch Road. Mr. Stoll, you don't have anything to say about these? Is there a motion to open the bids?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

<p>Holly Dunn Pendleton: Holly's House & Update on Commission on Domestic & Sexual Violence</p>
--

President Musgrave: We have an update today. Ms. Holly Dunn Pendleton, our appointee to the Commission on Domestic and Sexual Violence is here to talk about the commission and Holly House, I believe. Holly? Do you prefer to be called Mrs. Pendleton, Mrs. Dunn Pendleton, or Holly?

Holly Dunn Pendleton: Holly.

President Musgrave: Holly, well, welcome, Holly. Congratulations on your prestigious national award, it was the Jefferson Award.

Holly Dunn Pendleton: Yes, thank you very much.

President Musgrave: We're pleased that you were recognized for your work on a national scale.

Holly Dunn Pendleton: Thank you. I appreciate that. I was under the impression that I was here today to talk to Holly's House. So, that's what I was prepared to talk about, but I'm happy to talk about the commission as well.

President Musgrave: Okay.

Holly Dunn Pendleton: So, I'll start with Holly's House though. Let me introduce to you Detective Brian Turpin. He is the, basically, the founder of Holly's House. He is the creator, the muse behind Holly's House. He's my partner in crime. I'm going to talk to you a little bit about the need for Holly's House in Vanderburgh County. I'm also going to talk to you about our development of our board of directors, our capital campaign. So, currently there are 16 advocacy centers in the State of Indiana. Vanderburgh County is the largest county in the state without an advocacy center. The current conditions of where victims go to report intimate crimes, children that are sexually abused or neglected go to Child Protection Services, where they walk the length of a football field, through a lobby where people are waiting to get food stamps and other services, and they walk the length of a football field to the interview room where they are interviewed. Then, if they have to go to the restroom, they have to walk back the length of a football field to get to the restroom. So, this can be very difficult in trying to interview a child when it comes to an intimate crime. Adults currently go to the Police station, which is, in my opinion, a somewhat uncomfortable place. I don't really like to go there, and I know victims don't like to go there. It makes them feel like they've done something wrong. They are interviewed in a room the size of a closet. They also can encounter suspects at the

Police station while they're there. So, the conditions right now that victims go through is, needs to be improved. That's hopefully what Holly's House will do. We are currently developing our board of directors for Holly's House. We have an interim board in place currently with five members? Or seven?

Brian Turpin: Seven.

Holly Dunn Pendleton: Seven members of our interim board. We have started a capital campaign to raise money for Holly's House. We're hoping that these monies will be used for operating and renovation expenses, as we hope to have a building donated to us for Holly's House. Holly's House is a 501(c)3 non-profit organization. All of our monies will come from grant monies, community monies, and private donations for sustain ability. So, I'm going to let Brian talk to you a little bit about some statistics and things like that about Vanderburgh County.

Brian Turpin: Thank you for allowing us the time to do this. I just wanted to say that, you know, what she was saying about me being behind it and everything, it's easy whenever you have someone like her in the community that everyone should look to as an example of how someone should overcome a traumatic event. I can't think of anyone that's overcame more than she has. Not only has she become a great citizen, but she's went on to raise awareness, and she's just an amazing person. So, we couldn't find a better person to name an advocacy center like this after. One other thing that I wanted to touch on, from what she was saying, is if you're sitting down in the lobby of the Police Department, and you're waiting for me or one of the other sexual violence detectives to come talk to you about your case, and someone comes in, just parks out in front, goes in to pay their water bill here at the Civic Center, and they're from your church, and they just stop and say, "Why are you here?" What are you going to tell them at that point? Your most private secret has been exposed. I mean, either your going to lie to them, make something up, and they're going to know that your lying to them, because no one is going to be able to lie about something that deep. Or you're going to tell them the truth about something that is just so intimate that you don't want anyone else to know about. So, here in Vanderburgh County, I think it's a lot more widespread than most people realize. We will, this year, we will wind up interviewing close to 400 adult victims of domestic and sexual violence. The Child Protective Services will interview, will conduct over 2,200 investigations of child abuse, child molesting, child neglect. When I say 2,200 investigations, don't lock in to the number thinking that's how many kids are being interviewed. Because there are often investigations that lead us to eight kids, instead of one. I mean, that's a minimum of one kid per investigation. Next month I go to trial on two different cases where we have five victims. So, we actually had seven in one, but we charged five. So, that's included in the last years stat of 2,200 investigations. I wanted to touch on some of the reasons why an advocacy center is important, other than just the privacy of the victim, and the comfort level of the victim. According to a Willemette University study, charges are filed nearly twice as often when the interview is conducted in a child advocacy center. Suspects are found guilty over twice as often, and there's an increased number of plea agreements. So, if your kids have to go through the stress and trauma of trial, most of the time when I'm talking, people say, "Well, if they're getting plea agreements, it must be watered down." Well, since the kids are more comfortable, they're giving better details, our cases are stronger. So, we don't have to back down and offer a weaker plea agreement. So, the convicted people average sentences with 32 percent more time whenever the case was handled in a child advocacy center setting than in a regular setting. So, not only are we getting the plea agreements, not wasting court time, not putting people through the stress of

trial, but they're spending a lot more time in jail, and they are not able to reoffend while they are in jail. Also, another study done by the National Child Advocacy Center showed that over a thousand dollars per case was saved being handled inside the child advocacy center setting. Because it's multi-disciplinary team approach, it's been handled by us, Child Protective Services, and the Prosecutor's all at once. So, there's no duplication of tasks. An inter-agency agreement has been signed by the Sheriff, the Prosecutor, the Chief of Police, and the Vanderburgh County Director of Child Services, all agreeing and committing to using Holly's House for forensic interviews of children. Albion Fellows Bacon Center has agreed to provide an advocate whenever there's an adult sexual assault or domestic violence. So, we're utilizing services that are already out there. We're utilizing manpower that's already out there. It's just something that's been a long time coming. For some reason we're way behind the curve on this one. So, we're doing everything we can to catch Evansville up to speed. Our best chance to get one up and running soon would be if the Library Board would donate the former North Park Library. We want the building either donated to Holly's House through the Metropolitan Development, or leased to us for a dollar a year. They have the capability of doing it either way. The building is sitting vacant. The area of town, I grew up in North Park, I lived in North Park for most of my life. I lived in that library for most of my childhood. I can tell you right now, even though I love North Park, commercial growth in that area is pretty stagnant. If you drive down and see Mill Road office complex, that building has vacancy. The building across Commerce from the former North Park Library has been on the market for three years. What the Library Board is saying this building would sell for is not even realistic, because the building across the street has a lot more square footage, has been updated, has twice the parking, and they can't sell for a hundred thousand less than what the North Park one is saying they are going to get for their library. So, what we would like is for them to either donate or lease that to us. We think we could get it up and running fairly soon. It's a good location, because most people don't know it's there. It's out of the way. Someone came to us and said we want you to put it in the VanAusdall and Farrar building on First Avenue, we'll give that to you. It's a high traffic area where people could drive by and see. That's exactly what we're trying to avoid.

President Musgrave: Lieutenant? You're not here though today to ask us to endorse any particular location.

Brian Turpin: Sure.

President Musgrave: You're just giving us a report, right?

Brian Turpin: Yes.

Commissioner Musgrave: Because I know that there's a lot of issues about that building, and it's value, and giving away taxpayer money to a non-profit. I don't really want to go there today.

Brian Turpin: Sure. Right.

President Musgrave: But, I do want to ask a question.

Brian Turpin: Sure.

President Musgrave: I understand that Indianapolis has a similar location where victims are taken for interview, but they've also combined it with several other offices that are there, and in a friendly type of environment that you've been describing as your goal. Are you working with any other agencies to co-locate with you?

Brian Turpin: We have talked with Child Protective Services, the Department of Family and Children Services about possibly moving into a facility together. Right now that's not going to work, because there's so much change going on within their office, and they're doubling their staff currently. So, that's not working. The agencies that have signed the agreement have agreed to have people there, if not all the time, then when the children are being interviewed. That way we can go ahead and get, two minds are better than one. If two people are watching the interview, they're going to think of something to ask that kid to unlock what happened to them that I'm going to think of. So, yeah—

President Musgrave: Do you have any questions?

Brian Turpin: —and, I've been to Marion County's several times. So, I am familiar with that.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: We seem to be concentrating a lot on the criminal aspect, and I'm interested and concerned about that, because it's important to put those guys behind bars, but I'm also concerned, today at Rotary at lunch sitting at one of the tables a guy was telling me about his daughter over in St. Louis who had been attacked, and that three and four days later is when it finally dawned on her what had happened. Is there counseling, is there things that, you've mentioned Albion Bacons, is there long term counseling that's going to be going on? Or is just something that's concentrating on the criminal element?

Brian Turpin: Normally we get them to Albion Fellows, and we also do referrals to the Lampion Center, which I don't know if you all are familiar with them. But, as far as sexually based crimes, Holly could probably tell a little more.

Holly Dunn Pendleton: We really don't want to duplicate any services that already exist in Vanderburgh County. So, those kind of resources already exist in Vanderburgh County. What Holly's House will do will educate the victims and the victim's families to let them know where they can go to get those services, or bring those people in to give them those services.

President Musgrave: Okay. Any other questions?

Commissioner Nix: Holly, you had mentioned something about a capital campaign, is there some place for people that are listening today, a place they can send money right now? Do you have some different, or like an internet site, or a mailing address?

Holly Dunn Pendleton: I do. I sure do. I have all of that.

Commissioner Nix: Okay.

Holly Dunn Pendleton: The internet site is www.hollyshouse.org. I also have some brochures that I brought with me today, and I'm happy to leave several, so people

could pick those up if they like. Also, any donations right now are being sent to the Police station, in care of Brian, since we don't have a location.

President Musgrave: It's Lieutenant Brian Turpin?

Brian Turpin: Detective.

President Musgrave: I'm sorry.

Brian Turpin: That's okay. You just bumped me up two pay levels.

President Musgrave: Well, I cannot make anything good happen as a result. Alright, well, thank you very much for coming. Thank you for your work on the commission, and I believe later on in our agenda today we might have one or two appointments to that commission so that you can further the work that you're doing—

Holly Dunn Pendleton: That's wonderful.

President Musgrave: —for the victims of these crimes, and maybe even prevent some.

Holly Dunn Pendleton: Great. Thank you so much.

Commissioner Nix: Thank you for your work.

Holly Dunn Pendleton: Where would you like me to leave these brochures?

President Musgrave: Would you leave them here, and maybe a couple out there by the door, so that anybody who's here might want to see them.

Commissioner Nix: Thank you.

President Musgrave: Thank you.

Maddison Seib: Health Department Pandemic Drill Update

President Musgrave: Next on the agenda we have Maddison Seib, the Health Department pandemic drill update. There's a drill on Friday. Is Maddison Seib here? Oh, there you are. Okay. Go ahead and explain what a pandemic drill is for us.

Maddison Seib: Okay, I will. As you probably have heard in the news here recently, Health and Human Services and the Center of Disease Control are tracking a virus which would potentially cause the next pandemic. Pandemic means world wide. So, the world will be affected by this virus. History shows that we are overdue for our next pandemic. You've probably also heard in the news about the 1918 pandemic which had such an affect on everyone. Also, we had a lesser pandemic in the late '70's. No, I'm sorry, the late '60's, early '70's that didn't have quite the same impact as the 1918 one. But, this one that they're tracking right now called the Avian flu or the H5N1, they're expecting to have the same type of impact on us as the 1918 one. The challenges that we face in regards to preparing for this and responding to it is going to be vastly different than any other disaster recovery or response that we're going to have. Because, I've been told by my federal and state counterparts that we can expect no help whatsoever. So, when a pandemic occurs, we have to be locally

prepared. We're expecting, at any point in time during the pandemic that one third of our work force will be out, due to caring for a family member or themselves being sick. Of that one third, we're also expecting half of them not to recover from the pandemic.

President Musgrave: Half of the one third?

Maddison Seib: Yes.

President Musgrave: Okay.

Maddison Seib: To ensure that the Vanderburgh County Health Department is prepared for a response to the pandemic, the Emergency Management Agency and the Health Department are preparing to assess our preparedness level by having a drill July 21st at the Centre to simulate the receipt of the national stockpile and for disseminating those drugs to the general public.

President Musgrave: What time?

Maddison Seib: Volunteers will start processing at 8:00. These are the volunteers who are volunteering as medical staff within the clinic. We will open our doors at 9:00 to start processing people through the clinic. We're expecting for it to take about a half an hour for someone to get completely through the clinic. We're running it from 9:00 to noon.

President Musgrave: So, if you want to pretend to be a victim, you should come anytime between 9:00 and noon?

Maddison Seib: Yes.

President Musgrave: And, the volunteer medical staff who arrive at 8:00, and I assume you've contacted the medical community to get more volunteers to—

Maddison Seib: Yes, I have.

President Musgrave: Okay. So, this is basically to figure out how are you going to receive people who are afflicted?

Maddison Seib: The purpose is to, for people, to prevent the spread of the pandemic. So, it will be the dissemination to people who don't have it yet. If someone shows up to the clinic showing signs or symptoms, they are going to be referred to their personal doctor, or to the hospital.

President Musgrave: Okay. So, this is just a drill.

Maddison Seib: This is just a drill.

President Musgrave: And sick people should not come expecting to be treated for anything?

Maddison Seib: Correct.

President Musgrave: Okay.

Maddison Seib: If you're sick, stay home.

President Musgrave: Okay. Alright, so, July 21st at the Centre.

Maddison Seib: Yes.

President Musgrave: 8:00 a.m. for medical volunteers.

Maddison Seib: Uh-huh.

President Musgrave: 9:00 a.m. to noon for patient volunteers.

Maddison Seib: Yes.

President Musgrave: Okay, well, I don't like the statistics you're putting out, and I certainly hope that they're all wrong, that none of this is going to happen.

Maddison Seib: The Health and Human Services say that it is "when", not "if" it is going to happen. So, we have to be prepared. Thank you.

President Musgrave: Thank you very much.

Vanderburgh County 4-H Fair Presentation

President Musgrave: Now, we have Kim Salmon from the Vanderburgh County 4-H Fair to do a presentation on the upcoming fair next week. I understand that you've brought some contestants in the fair. As a nine year 4-H'er myself–

Kim Salmon: Amen. Good for you. Good for you.

President Musgrave: – and one of my kids did it.

Kim Salmon: Here in the county, Cheryl? Were you here in Vanderburgh County?

President Musgrave: I was in Putnam County.

Kim Salmon: Far north.

Commissioner Nix: Where in the world is that at?

President Musgrave: It's one of those places where they get more money than we do, I can tell you that.

Kim Salmon: Ah!!

Commissioner Nix: It's north of here then, right?

President Musgrave: North of here, yeah.

Kim Salmon: What money you spend on our program here in Vanderburgh County is very appreciated. Our upcoming Vanderburgh County Fair, I'm a member of the board of directors for the fair. I'm also a 4-H leader, and I was a ten year member here in Vanderburgh County. Our fair will be the 24th of July through the 29th, of

course, at our Vanderburgh County Fairgrounds. We brought three very active, young 4-H'ers that would like to say just a little bit about what's important about their fair activities and being involved in 4-H.

Andrea Bittner: Hi, my name is Andrea Bittner, and I am a nine year 4-H member of the Armstrong Highlighters Club. I am actively involved with the animal part of 4-H. Contrary to popular belief, you do not have to have animals to be part of our program. But, I do have one sheep and a handful of chickens. We work very hard throughout the year raising them and breeding them to a very special caliber that is competitive at our fair. This is a very rigorous week, because the animals are going to be taken from their natural environment that they've been living in so far. So, it's actually very exciting and very competitive as well. We have very talented 4-H members in our area, and the animals are very competitive. So, it's something that's very rewarding and exciting for us.

Kelsey Salmon: I'm Kelsey Salmon, and I'm an eight year member of the (Inaudible) 4-H Club, six year member and president of the shooting sports club, and I'm also a member of Junior Leaders and Youth Council. My favorite part of the fair is working in the Junior Leader food booth with my friends. I've met so many new people in this program, and I like that we all get to work together to raise some money for the upcoming fair year. Junior Leaders and Youth Council also raise money for community service, such as; the Carver Children's Organization, grants for money needed by 4-H'ers, nursing home visits, and the Food Bank in Vanderburgh County. Aside from Junior Leaders, I'm also taking 14 projects to the fair this year. Some of which are scrapbookking, sewing, foods, beekeeping, and I also show my cat. My favorite parts of the fair are the tractor pulls and the demolition derby. Every year my dad and I get front row seats in the grandstand for the Saturday night derby. This derby makes for a great and fun way to end the fair.

Amanda Salomon: My name is Amanda Saloman. I am also an eight year member of (Inaudible) 4-H Club. I am active in Junior Leaders also. I would like to speak about my favorite 4-H project, out of the three I take, which is sewing. I've been sewing for eight years now, and this year I made a wool coat. It's just exciting. That's all I have to say.

Kim Salmon: Now, I do want you to know that we're not just a group of girls that get together. We do have young men that are in our 4-H Club membership, but they were unavailable. I think they're all out getting, in the fields getting some of their things together. Just a couple of things I would like to share with you about our fair. We are very proud, in the past we've been a blue ribbon fair, judged by the Indiana State several times. We have, one of our, on Wednesday night our key entertainment is Keith Anderson, who is a country artist. Our fair admission is only five dollars, and that allows you to get in and see not only just the fair projects that you're going to see from our youth, our very active youth, but also some of the other attractions at the fair, like Keith Anderson. We have a Tiny Tots program on Tuesday. We have Little Miss and Mister on Wednesday. On Thursday and Friday we have our wonderful tractor pull. We have everything from tractors coming out of the fields to the super souped up professionals. Then on Saturday we do have the demolition derby. We do appreciate your support in our fair, not just so much because it is an activity here in our county, but it is an opportunity for these youth to learn some leadership through whatever project, or their Junior Leader project. Of course, Cheryl, you would know about that as well. We do want your continued support, as far as, not only financial support, but your personal support as well.

President Musgrave: So, the fair opens Monday, what time?

Kim Salmon: I believe, it's a good thing, 5:00?

Andrea Bittner: 7:00.

President Musgrave: Seven in the morning?

Kim Salmon: 7:00 p.m.

President Musgrave: 7:00 p.m., okay, so we can come out and do the rides starting on Monday?

Kim Salmon: Uh-huh.

President Musgrave: And then it closes Sunday afternoon, doesn't it?

Kim Salmon: It closes Saturday evening.

President Musgrave: Saturday evening.

Kim Salmon: Okay, and the demolition derby usually is over about 11:30, a quarter to twelve, sometimes twelve. So, that's about the end of it there. Most of the projects will be available for display, as well as other things that are open class. We have adults that are displaying.

President Musgrave: I was wondering, when is the open class?

Kim Salmon: Are you interested?

President Musgrave: I was kind of interested.

Kim Salmon: Okay, our open class exhibits come in on Sunday, before the fair from 1:00 to 4:00.

President Musgrave: I have some zinnias I'm thinking about bringing.

Kim Salmon: Alrighty. I wish I would have brought a different fair book, but I could get that information to you—

President Musgrave: Okay.

Kim Salmon: – so that you could get those zinnias in there.

President Musgrave: Alright.

Kim Salmon: See, once you're in 4-H, you don't get it out of your blood. See, you know what's going on at our houses right now.

Commissioner Nix: When is the pig wrestling, that's what I want to know?

Kim Salmon: We don't have pig wrestling at our fair.

Commissioner Nix: You don't?

Kim Salmon: That's a Warrick County thing.

Commissioner Nix: Okay.

Kim Salmon: Warrick County, when they have their fair, it always rains. So, we really don't have much pig wrestling. Now, we have frog jumping on Friday.

Commissioner Nix: Okay.

Kim Salmon: Our pig show is when, ladies, do you remember?

Andrea Bittner: They moved it.

Kim Salmon: And you're not sure when it is? Okay. I believe it's on...Tuesday is our pig show. And, they're, hopefully, not wrestling.

Commissioner Nix: I go every year, but I'm going to be on vacation this year.

Kim Salmon: That's okay. That's okay.

President Musgrave: He's going to miss all the fun. Alright, well, thank you very much for coming.

Kim Salmon: Thank you so much. We'll leave a couple of our programs as well.

President Musgrave: I would really like to see one.

Kim Salmon: Thank you.

President Musgrave: Alright, thank you.

Commissioner Nix: Thanks.

<p>Permission to Award VC06-06-05: Aabel's Park Subdivision Barrett Law Sewer Project</p>
--

President Musgrave: Next is the Vanderburgh County Engineer, permission to award bid VC06-06-05, Aabel's Park Subdivision Barrett Law sewer project. Mr. Stoll?

John Stoll: The request is to award the contract to BMB, Incorporated for the amount of \$252,442.30. They provided the low bid on the project.

President Musgrave: Any questions? Or a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

**Permission to Advertise
VC-50-2006: Storage Building Construction Co. Hwy. Department
Notice of Public Hearing: Vacation of Woehler Dr (VIP)**

President Musgrave: Purchasing has a permission to advertise for bids for the storage building construction for the County Highway Department. Is Debbie Spalding here? I do not see her, but I say that we go ahead and combine that...oh, you're not Debbie Spalding. Please state your name.

Ruth Ann Adams: Hi, my name is Ruth Ann Adams. Debbie wanted to just go ahead and say that this was it. There wasn't nothing else. Okay?

President Musgrave: Okay. Thank you.

Ruth Ann Adams: You're welcome.

President Musgrave: Commissioners, if we could combine this with the County Auditor's permission to advertise notice of public hearing for the vacation of, is that Woehler Drive?

Madelyn Grayson: Yes.

President Musgrave: In Vanderburgh Industrial Park, with the advertisement dates of July 21, and a public hearing on August 1st.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Second/Final Reading of Ordinance CO.V-07-06-001:
Vacation of Drainage Easement: 7145 E. Virginia Street**

President Musgrave: We now move to the second and final reading of vacation ordinance CO.V-07-06-001, vacation of drainage easement at 7145 East Virginia. Is there any discussion of this? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: This requires a roll call vote. So, I'll call the roll. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. The motion carries.

Ted C. Ziemer, Jr.: Excuse me, just one minute. Madelyn? You do have, do you not, the drainage easement? The executed drainage easement for this?

Madelyn Grayson: Yes.

Ted C. Ziemer, Jr.: Okay, thank you.

**Second/Final Reading of Ordinance CO.06-06-012:
Concerning Abandoned Vehicles**

President Musgrave: We move now to ordinance CO.06-06-012, concerning abandoned vehicles. This is the second and final reading. Commissioner Shetler?

Commissioner Shetler: As you know, this is something the city has had for some time. It covers abandoned vehicles that are left sitting on property for a period of time. One thing I was a little disappointed in, and I think we'll have to reach it from a different angle, from what I was advised by legal counsel, and that is, I was hoping to include boats into this as well. A lot of times out in the county areas, particularly those that are near the river areas and stuff, those roads, you'll find a lot older, vacant boats that have been sitting around. The problem is, is that they can contain water after a period of time, and they become infested with mosquitos, and etcetera. So, there's a lot of good health reasons, as well as an eyesore that we need to address. Plus, the county's missing out on property tax revenues that when those boats are not being reissued year after year by the Bureau of Motor Vehicles. So, that is something we're going to take up at a later ordinance and to amend the junk ordinance or something that we have out there that's very similar to that. So, I would be happy to entertain any questions.

Commissioner Nix: One of the questions I have, and I talked to Mr. Ziemer, I guess, late last week, if a person lives back in a lane where there's an easement to get back, in other words, there's a lot of areas on the west side, well, really, all over town, in the county, that if you live on a private lane, but it's actually a lane where there's six or seven homes back, and you can't actually see the abandoned vehicle from the public roadway, I guess, that was a concern I had. That is addressed in this ordinance?

Ted C. Ziemer, Jr.: It is. Yeah, abandoned vehicles on private property are addressed in there.

Commissioner Nix: Even though it's not in visible view of a county road, if it's an abandoned vehicle and someone can see it from a private lane, it's still covered?

Ted C. Ziemer, Jr.: Yes, that's correct.

Commissioner Nix: Like I say, there's just a lot of communities, especially on the west and north side that have that situation. I just want to make sure that was covered.

Commissioner Shetler: Keep in mind, in most cases it's revenue that we are missing because they're not paying the excise tax, or keeping the plates and registrations up to date too.

President Musgrave: Okay, is there a motion to adopt the ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: This requires a roll call vote. Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. Show the motion as carried.

**Oaklyn Library Lease
Youth Services Bureau Contract: Juvenile Court**

President Musgrave: We move now to contracts, agreements and leases. We have two. We could go ahead and take them as one motion. The County Engineer for the Oaklyn Library lease. I understand the County Attorney has finalized the insurance issues that were involved in that. Juvenile Court, the Youth Services Bureau contract. It's for tracking of those under house arrest with a new system, from what I understand. There is funding in place for all of these. 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.

Ozone Officer

President Musgrave: Department head reports. Dr. Joanne Alexandrovich from the Health Department here to give a report on the ozone alert.

Joanne Alexandrovich: Hi. Thanks for having me. I'm Joanne Alexandrovich, and I work with the Health Department. I'm here to discuss, we've been under an Air Quality Action Day, Ozone Alert since last Sunday. We, the Evansville EPA, the Health Department, and IDEM, the Indiana Department of Environmental Management, call these Action Days because weather conditions are expected to enhance the build up of pollution levels. The number one reason we call the alerts is to let people know that air quality may reach unhealthy levels, or threaten their health. We go by the national standard, called the Air Quality Index, or AQI, set up by the U.S. Environmental Protection Agency. When our air quality is forecast to reach unhealthy for sensitive groups, orange levels USG, we'll call an Air Quality Action Day. Currently now we're on a day-to-day forecast mode. We forecast one day at a time. Our alert, our ozone alert is extended through Wednesday, tomorrow.

We'll decide tomorrow morning, by about 10:30. Our forecast call went for over an hour today, so, it starts at 10:00. So, maybe we'll be done by 10:30 tomorrow, if we need to extend the alert to Thursday. Basically, what should people do when we call an Air Quality Action Day. The health message is that those people most sensitive to air pollution, such as those with respiratory or heart problems, children, older adults, and people who are active outdoors, should try to limit their exposure to outdoor air, or ambient air. During this heat wave, the best way to do it is to stay inside. If you're a runner, if it's an ozone problem, we suggest you run, perhaps early in the morning, or late in the evening when levels are lower. If you're an outdoor worker, perhaps you can have a shorter shift. Anything you can do to reduce your exposure to higher levels for ozone, that happens between about 3:00 and 6:00, 3:00 and 7:00 p.m. Our second message that we make when we call an Air Quality Action Day is to ask everybody to do their share to help clean the air up. Basically, the most effective way to reduce your contribution to pollution levels is to drive less. Stay out of your car as much as possible. Do not idle. Also another good way to help the situation is try to conserve electricity. It's difficult right now, when we need to run our air conditioners, to try and stay cool and avoid heat stroke problems, but if you can conserve electricity, that helps, perhaps keep the thermostat at 75, rather than 70, that can make a difference. Some people really like this one, I've seen t-shirts, basically you don't have to mow your lawn, you're having an Air Quality Alert. You know, honey, can't do it. So, any kind of engine will produce pollution. So, if you can avoid it, we like that. Although we've been under these Ozone Action Days since Sunday, we have actually not reached the unhealthy for sensitive group levels, which I think is due primarily to huge reductions in emissions from area power plants over the last few years. With the high humidity we're having, however, particle levels, PM2.5, fine particulate matter, is on the rise. There's an AQI for PM2.5, Air Quality Index, and we might reach that in the coming days. So, tomorrow, especially during our forecast call, we're probably going to be concentrating on that. It's what makes it look so hazy and dirty out there is the fine particles. Our air quality forecasts are available readily. Airnow.gov.

President Musgrave: Can you say that again?

Joanne Alexandrovich: Airnow, a-i-r-n-o-w dot gov. It's on the city-county website. You can navigate around a little bit through the Health Department, or the EPA. Near real time pollution data is available on IDEM's website. They run the monitoring networks, and that's at www.in.gov/idem, i-d-e-m. that's all I had prepared. If anybody has any questions?

President Musgrave: No, thank you very much. My husband will appreciate the no grass mowing tomorrow rule. So, I'll work on that.

Joanne Alexandrovich: Okay, thank you.

President Musgrave: Thank you.

Ted C. Ziemer, Jr.: Excuse me. May I? I'm sorry. Joanne? I wanted to thank you for the help you gave us in researching California law and the toxic contaminant question. You were very good. You did that very promptly. Thanks a lot.

Joanne Alexandrovich: It was my pleasure. Through my work I have a lot of contacts with people around the country. So, that's how I was able to do it so quickly.

Ted C. Ziemer, Jr.: Good. Thank you.

President Musgrave: It was impressive.

County Engineer

President Musgrave: John Stoll, agreement with CSX for review of Baseline bridge plans. I'm glad to hear that this project is moving along.

John Stoll: Based on what the consultant said, we should have some draft plans within the next couple of weeks too. So, that's why it was important to move ahead with the agreement. That agreement has been reviewed by the County Attorney, and he had approved it for your signatures. Basically, it calls for the county to pay for any consultant review fees that CSX will incur through the review of our proposed plans, our plans for the proposed bridge over the Baseline Road tracks. The amount in the agreement is \$10,000. So, we'll have to pay that to CSX up front. Originally, they had estimated up to \$25,000. So, we're seeing a little bit less than what the original estimates were. This is for design only. Assuming they approve the plans and it goes to construction, they'll follow it up with another agreement for construction later that will involve the payment for the flaggers and things like that.

Commissioner Nix: I guess, before I make a motion, I would like to ask one question. Do we know about the boundaries of construction, or that should be coming in what, two, three weeks or so?

John Stoll: Yeah, as soon as they give us the draft set of plans we'll have the construction limits pretty well hammered out.

Commissioner Nix: Okay.

Commissioner Shetler: A question that I had, have we talked to the neighbors and stuff out there? Because I had spoken with some people at Azteca a couple of weeks ago and they didn't seem to know, they were totally caught off guard on this. I didn't know if we had—

Commissioner Nix: I had a meeting out there about probably two weeks ago with the Plant Manager, and he was somewhat familiar with it. Now, I don't know about people that work for him. I asked that when we get to a point when we actually know the amount of space that's going to be required for the project that we sit down with him and meet. He mentioned something about maybe bringing some of his, or one of his construction people in and talking about, you know, what they could do to work with us. Then, I think on the southwest side of the bridge, that's owned by?

John Stoll: The website shows that it's the County Redevelopment Authority that owns it. So, I'm assuming that there's a lease agreement between the Redevelopment Authority and the county, but I haven't had a chance to get that researched as of yet.

President Musgrave: I know that part of your conversation was attempting to keep this bridge on the south side, as much as possible, on Baseline.

Commissioner Nix: If at all, but I think we're going to have some limitations with the substation, and, I mean, those are things we're going to have to work around, whether we want to put retention in, or whether we want to go with slopes. Those are things that, I guess, we need before we take that next step.

Commissioner Shetler: Don't get me wrong. They were very much in favor, but they just seemed to be caught a little bit in the dark on it. So, I didn't know, you know, how much we had put out in preliminary information or anything like that.

John Stoll: I haven't spoken with them personally, but once we get the plans then we'll have a much better handle on what impact we'll have to each of the properties.

Commissioner Nix: I think in our second, your road hearing out at, there was quite a few people that had input on what they, you know, something that they would like to see. So, to me, I spend a lot of time out in that area, I mean, it's definitely a safety concern from the standpoint of when the trains, I mean, it's something that we really need to get moving forward with.

President Musgrave: Would you like to make a motion?

Commissioner Nix: I will move approval of the plans, or agreement with CSX.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Any other items?

John Stoll: The only other thing I had was a reminder about the public information meeting on the University Parkway project. The meeting will be tomorrow at 6:00 at West Terrace School. This will be to discuss the changes in the plans that have occurred to bring it up to current standards so we can proceed to construction soon.

President Musgrave: Alright, so 6:00 tomorrow at West Terrace we'll talk about University Parkway.

John Stoll: Correct.

President Musgrave: See you then.

John Stoll: That's all I had.

President Musgrave: Okay.

John Stoll: Thanks.

President Musgrave: I understand that there's nothing to report from the County Highway or Superintendent of County Buildings.

County Attorney

President Musgrave: Do you have a report?

Ted C. Ziemer, Jr.: I do. You'll recall that you asked me to obtain some requests for proposal to do cash advisory services and arbitrage rebate services in connection with the some \$34 million dollars in outstanding bonds of Vanderburgh County. I

have done that, and I would like to read the responses to the requests for proposal into the record, and then give you the responses in a sheet which summarizes them. Fifth Third Bank indicates they would do the cash advisory services for eight basis points. A basis point is a tenth of one percent. So, it's eight tenths of one percent of the value annually. So, in the first year, if there were \$34 million in bonds, the fee would be eight tenths of one percent of that value. They would provide the arbitrage rebate services, per calculation, at a rate of \$3,500 to \$5,500 per calculation. Generally, those calculations are done annually. Old National Trust responds that they would do the cash advisory services for one tenth of one percent of the value annually, ten basis points, and they would do the arbitrage rebate services for \$5,000--

Madelyn Grayson: Can we switch the tape real quick?

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

Madelyn Grayson: Will you make sure your microphone is on?

Ted C. Ziemer, Jr.: Oh, it's not?

(Tape change)

Ted C. Ziemer, Jr.: You probably didn't pick that up.

Madelyn Grayson: I think I can pick it up. You've got a booming voice.

Ted C. Ziemer, Jr.: I'll give you the sheet. The Integra Bank response, well, here, let me finish with Old National, the arbitrage rebate services for Old National would be for \$5,000, a lump sum payment for all calculations. So, if the bonds ran for five years, and you needed to do five years of calculations, it would be \$5,000 covering all of those. Integra Bank indicates they would do the cash advisory services for eight basis points, or eight tenths of one percent of the value annually. That would include both the cash advisory services and the arbitrage rebate services. Umbaugh Associates, who were the financial advisors for the \$28 million bond issue, indicate that they would do the cash advisory services for ten basis points, which is one tenth of one percent of the value annually. They would do the arbitrage rebate services at an hourly rate spelled out in their response, which would, I'm told, average between \$1,500 and \$3,000 a year for each year's calculation. Finally, Hilliard and Lyons indicated they would do the cash advisory services for 15 basis points, that's point one five percent of the value annually. They would do, actually, they're contracting out, or they would contract out the arbitrage rebate services to RSM McClardy, Certified Public Accountants, and they would do that for point three five basis points, or point zero zero three five percent of the value annually. I haven't made that computation, but they say in their response that that's based on \$1,200 per calculation. Which would be essentially \$1,200 each bond year. So, those are the responses. I'm going to give to our corresponding secretary the actual responses, and I'll give each of you and the Auditor a sheet, which I just summarized for you.

President Musgrave: Well, I would like to take a week to understand everything you've just told me. I mean, we can take action on this next week. If that's alright with you?

Commissioner Shetler: Motion to take under advisement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Okay. Anything else on your report, Mr. Ziemer?

Madelyn Grayson: Bid openings.

President Musgrave: You have a bid opening to report on.

Ted C. Ziemer, Jr.: Yes.

President Musgrave: And after that we'll have Mr. Craig from Burdette Park.

Ted C. Ziemer, Jr.: After that I actually have one other thing.

President Musgrave: Okay, he'll have to wait.

Ted C. Ziemer, Jr.: Here, Madelyn. Do you want to pass those down to Madelyn?

Commissioner Nix: Sure.

Ted C. Ziemer, Jr.: Okay, as to the bid opening, what did I do with it? Here, JBI Construction, this is for intersection improvements at Green River and Lynch Road, JBI Construction, \$472,632.28; J.H. Rudolph and Company, \$593,453.81. Finally, I have two contracts—

Commissioner Nix: We need to take those under advisement.

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

Commissioner Nix: I would like to make a motion we take those bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Then there are two service agreements that I have reviewed for contractual services that are satisfactory for execution. I don't know what your intention is about these.

President Musgrave: What are they?

Ted C. Ziemer, Jr.: One is for contractual services of John Hoover, the other one are contractual services for Carla Hayden.

President Musgrave: Well, I think that it would be prudent to go ahead and approve those, in case we needed to actually use them in between meeting dates. So, I would ask for a motion to approve those service agreements.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: No, that's all.

Burdette Park

President Musgrave: Mr. Craig, Burdette Park?

Steve Craig: Good afternoon. I'm Steve Craig, Manager of Burdette Park. I guess, my report is kind of bittersweet. I was coming here to report on our new Discovery, the Burdette Discovery Bicycle Trail in Vanderburgh County. It's approximately 32 miles of paved roads that we are marking at the present time with two trail heads for a bicycle route for the people of the tri-state. Yesterday I was wanting to report that they started putting up the signs, but when I went down to look at them today, the signs all looked like this. What we've got is about 20 to 25 signs that lasted one night.

President Musgrave: Mr. Craig, show the people behind you as well.

Steve Craig: People spray painted them. They were put up yesterday, and they were painted last night. Any project that's worthwhile like the Pigeon Creek Greenway, they've been plagued with vandalism. I guess, there's some amazingly ignorant people in this world, and apparently right now we're dealing with them. I would like to ask anybody out there in the public that sees anything going on, and in the Union Township bottoms, such as people spray painting signs, to try to get some identification. Police reports have been filed, and they're going to have added cars watching the bottoms. We will get by this and the trail will be opened in a promptly manner. We've only been working on it a short time. It's going to be a great asset to Vanderburgh County, and we will have a ribbon cutting in the near future. This might be a little clog in the wheel, but we will get beyond it.

Ted C. Ziemer, Jr.: How about the big sign with all the information on it, did that get painted over too?

Steve Craig: No, they still have your disclaimer on there.

Ted C. Ziemer, Jr.: Okay, alright.

Steve Craig: No, actually I'm picking it up tomorrow morning and we're building a frame for it, but we will put them up.

President Musgrave: Maybe under plexiglass?

Steve Craig: It's going to be, we're going to look into a coating that if it does get painted that it can still be cleaned off.

President Musgrave: Well, you know, no matter how many times they paint over these signs, the bike trail is going to be there, and we'll have flyers at the bike shops, we'll have things on our website, there will be route notices out at Burdette. So, the bike path will be there, and we'll be very proud of it. Hopefully, your suggestion that people help you watch to find the culprits will clear the matter up, and we won't hear any more of it.

Steve Craig: Well, it will be easy to see them. They'll be some cowardly person jumping out of a vehicle at night spray painting signs. So, if you see that, just report it to the Police Department.

President Musgrave: Okay.

Commissioner Shetler: Or a black mark on their finger, huh?

Steve Craig: That would be a tell tale sign too.

Commissioner Shetler: Yeah.

Ted C. Ziemer, Jr.: I have one, but my pen was leaking.

Steve Craig: We're going to have to look into that, Ted. Where were you last night?

President Musgrave: I'm not sure he would admit that under any circumstances. Okay, have I missed any department heads who wanted to give a report? I see no one.

Board Appointments

President Musgrave: We have board appointments. To the Domestic and Sexual Violence Commission, Joyce Schutz. Is that how you pronounce her name?

Marissa Nichoalds: Yes.

President Musgrave: And, did you have someone you wanted to name as your proxy as well?

Commissioner Shetler: I think we'd better check.

President Musgrave: Oh, check, okay. The Common Construction Wage Board. Mr. Nix?

Commissioner Nix: Yes, this is for a sump pump installation in mediation for the Evansville Water and Sewer Utility Board, and that is Kristy Adams.

President Musgrave: Kristy Adams. Is there a motion to accept those two appointments?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

New Business

President Musgrave: New business, economic development workshop. I've been kicking around this idea for a while, and we've got some plans sketched out. We hope to hold, I hope that the Commissioners will join me in holding, and I'm here to ask your permission to do that, to hold a workshop on economic development on August 31st, at the Centre, from 9:00 until 1:00. We're looking at the possibility of holding a luncheon. The workshop would be free. The luncheon would not. We think the luncheon might cost around \$17. We have already lined up a couple of speakers who are willing to come, as well as we're asking, having inquiries made to the Lieutenant Governors office, and she might come down and speak at lunch time. This workshop would focus on the incentives that are available to businesses. Businesses that are already here, businesses that are coming. These are tax incentives. There's a new program that the Governor put in place this year, with the help of the legislature that gives you a tax break on new equipment, or new real estate that you buy for an existing business, and there are also many other existing incentives, the sort that we have approved recently this year, and Commissions in years past have approved. But, I've discovered that a lot of people don't know what these are. Our real estate and business and banking community need to understand them thoroughly as do I. So, the best way for me to learn is to hold a workshop and invite you all and have some good speakers to come there. I think that I might have some small expenses to cover. So, I would like your permission for the authority to expend about \$1,000, I'm going to say \$1,000, because I really think that that would be too much. So, your approval of the concept, the date, to use the Centre for free, and about \$1,000 to cover any miscellaneous expenses that come up.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Then, there's another project that I've been working on with help from several other departments. I've given you a couple of flowcharts that look like this. The one that's mostly green, blue green, is the old. The one that's mostly blue is the new. What this is is, I took a look at the way we have complaints for weeds in the county, and which departments handled the weed complaint, which ones went out there and looked at it, who cut it, who handled the paperwork, and there were too many hands on the process as it went through. I thought that we could streamline it a little bit. So, this proposed draft of streamlining

this process, taking fewer cooks in the kitchen, as it were, is proposed. I know that Marissa Nichoalds has helped me set up a meeting, is that tomorrow?

Marissa Nichoalds: Tomorrow at 1:30.

President Musgrave: Tomorrow at 1:30 we'll have the Building Commissioner, and his staff, the County Highway Supervisor, Mike Duckworth and his staff, the Auditor, I hope that you will come, and Marissa and I will be there to talk over this. But, basically, it takes, it leaves the complaint receipt with the Building Commission, where it is now, but it moves all the picture taking, and mowing and the letter sending to the Highway Department, with the people who are actually doing the work. I hope that the Highway Department and the Building Commission will be able to use the same complaint tracking software that I know that the Building Commission has been in the process of installing for quite sometime, so that everybody would be able to log on and see the complaint, but one department would be really in charge of seeing the complaint through the whole process, from the complaint the picture taking to the notification to the cutting it to the finally delivering the documents to the Auditor for filing for weed liens. That's the plan. We'll see if we can get that to work. It's amazingly complex. It's silly, isn't it? Well, that's all I have. Is there any other new business?

Commissioner Shetler: I think it's an excellent idea to try to get things moving along. That's probably the most disheartening part about the signs. Not only is it a safety factor, but we're also talking about things that we've been trying to do, cleaning up Vanderburgh County, and not only make Vanderburgh County, but keeping it beautiful is, you know, what we're trying to achieve here. Then, when you get people going out there with the graffiti and stuff, it just doesn't make sense. But, I think you've come up with an excellent plan here, Cheryl, and it's something that's going to streamline it and get the job done, hopefully.

Old Business

President Musgrave: Is there any old business?

Public Comment

President Musgrave: Is there any public comment? Any comment by the public on matters under the Commission's authority? I see none.

Consent Items

President Musgrave: We have a long list of consent items. Is there a motion to approve the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

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

CONSENT ITEMS:

Employment Changes:

County Highway (1)	Superior Court (1)	Prosecutor (2)
Sheriff Office (1)		

County Assessor: Surplus letter: Lanier fax.

Commissioners:

Waivers for Fees at Centre: Health Department, Commissioners, CIO.

Vision-e Monthly Report: June 2006

Department Head meeting notes: July 11, 2006.

Weights and Measures: Monthly Report: June-July 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Holly Dunn Pendleton	Brian Turpin
Andrea Bittner	Kim Salmon	Kelsey Salmon
Amanda Salomon	Maddison Seib	John Stoll
Ruth Ann Adams	Joanne Alexandrovich	Steve Craig
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
JULY 25, 2006**

The Vanderburgh County Board of Commissioners met in session this 25th day of July, 2006 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 July 25, 2006 meeting of the Board of Commissioners. It is 3:30. We'll start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the July 18, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the minutes of July 18th?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

Vectren Environmental Update

President Musgrave: First on our agenda tonight is the Vectren environmental update. We advertised this expecting Mr. Doug Pettit to come and give us this report, but we're pleased today to welcome Ron Jochum.

Ron Jochum: Thank you.

President Musgrave: Mr. Jochum?

Ron Jochum: We're happy to be here. Does everyone have a copy of the handout? This handout is what I'll be speaking from. Okay. Number one, and I want to thank you for the opportunity. It's my understanding, since Mr. Pettit did delegate to me, that I am to give a briefing, and I promise you I will make it that, brief. But, I also

want to say that I am open to questions as we go along. I think an interchange would be best. So, don't hesitate if you have any questions. I expect Mr. Pettit to come in at a later moment here. That's what I'm expecting. If you'll turn to page two, I simply wanted to remind you that we are the local utility, we serve about approximately 140,000 customers in this region. We serve those, from the electric point of view, from our generating stations located at A.B. Brown, which is in Posey County, and F.B. Culley in Warrick, which are located in Warrick County. We own, the Warrick unit, that is a shared ownership with Alcoa. We also have, if you'll turn to the next page, we have six units in those two locations, and those are worth about 1,000 megawatts of coal-fired generation. We also have 295 megawatts of capacity in natural-gas fired generation. Four of those are in Vanderburgh County located at the Broadway Avenue generating station down on Broadway Avenue and out in the northeast. Two of our larger ones are at the Brown station in Posey County. We use local coal and locate generation to serve our local customers. We think that's our obligation. We have an obligation to serve this region, and we try to do it in the best manner possible. But, from an environmental point of view, there's been many advances in emission control devices as the years have gone along. I've been in the power generation business now for over 30 years. I'm almost ashamed to admit, but that's the way it is. And, we have gotten better about using our natural resources, coal. Indiana has an ample supply of that, and we have been able to, over the years, as the demand for electricity has grown, with emission controls, we've been able to decrease the emissions, even though the demand for electricity has grown. On page four, the air emission reductions that have occurred nationally, and they've occurred nationally because of environmental regulations that have been put in place and the changes that utility companies have implemented. But, on a national basis the sulfur dioxide emissions are down about 40 percent since 1970. 1970 was the time when the Clean Air Act of 1970, or commonly known as CAA, Clean Air Act, went into effect, the NOx emissions, or nitrous oxides. Nitrous oxides, if you're familiar, I suspect you're very familiar, are those that are most charged with causing ozone, an issue that we face on occasion, are down about 70 percent. The particulate matter emissions are down about 30 percent. Now, that's nationally. We believe we've done a better job than that, I think. Our SO2 emissions since 1970 are down about 90 percent. The NOx emissions are down over 80 percent since 1970. We have continued to improve our particulate removal through other investments. Our environmental expenditures during those periods of time, since 1970, have exceeded \$400 million. We're one of the smaller utilities in the nation, quite frankly, but we've expended over \$400 million installing environmental equipment, to make our emissions, first, fully compliant, and, second, to benefit our region. I live in this region, and proud to live in this region, and I think that's important, as a company, that we do that. The next page simply shows how our generation has grown over that period, over the last five or six years, and yet our NOx emissions have gone down drastically. This represents about a \$250 million investment in devices called Selective Catalytic Reduction units. Those make significant decreases in our NOx emissions, and that's what helps us with the ozone situation. Now, the real summary on the next page is simply a tutorial on how coal-fired generation works. I'll be happy to go through that in any detail that you want, otherwise I'll bypass it and say that the important thing from an environmental point of view is covered on page seven, which is the equipment that we use to get the various pollutants out as we go about generating the electricity that our customers expect. Selective Catalytic Reduction unit, commonly called SCR's. The analogy is your car has a catalytic converter, and it was put on at new, this one is a catalytic converter for power plants. Much, much larger, much more expensive, requires the use of ammonia and those kinds of things, does the same function as a catalytic converter on your car. We have those on the four large units that we operate. Fabric filter, works very much like a vacuum

cleaner, you pick up dust off the floor with your vacuum cleaner, we collect the dust after the burning of coal in fabric filters and electrostatic precipitators. We capture about 99 percent of that, of the particulate matter that is generated from the burning of coal. The third item that cleans up the sulfur dioxide, you know, Indiana has abundant supplies of coal, and it's good for our economy when we use that coal, but it does have a high sulfur. Mother Nature treated us differently than she did those coal fields in the west. Those in the west have very low sulfur, ours here have high sulfur. So, we installed scrubbers to remove that by-product. One of the things that we do at our Culley station, is we use our local lime stone in a slurry process through the gas emissions and create gypsum. I'll say it's probably a little known fact that the gypsum that is created by our Culley scrubber, is put on the river and sent to New Orleans and becomes wallboard. So, we have, the by-product of our environmental process put to a productive use in the New Orleans area. Something in the neighborhood of 220,000 tons per year that we ship out, and we've been doing that since 1994. So, the common, and the second piece of this, as I'm sure you've heard, there are regulations coming about around mercury. In place, the rules are in place under a law called the Clean Air Mercury Rule, CAMR, and that takes effect in 2009. We believe the coal benefits of these three devices that we have on our equipment will remove, and currently is removing, approximately 90 percent of the mercury. So, we feel like we're in good order on that subject as well. The last page, quick facts, we think our units are some of the cleanest and best controlled in the Midwest. We have expended a great deal of money and time in making them a clean operating. We're quite proud of that, quite frankly. Then by 2009, there is one unit that does not have, the Warrick 4 Unit, does not yet have a scrubber on it. But, some of you, probably, I think, Commissioner Musgrave, you remember the announcement that Warrick is, Alcoa is putting on environmental equipment, that's the piece that's under construction now for 2009. I guess, I wanted to dispel either a rumor or a myth, and I want you to know it is a myth. I have heard rumors that there are those in the community who believe that we just flip off our pollution control equipment at night. Number one, that's completely against our corporate policy, and you can see that corporate policy in our environmental stewardship manual that we've left with you. We would never do that, that's not good for us, not good for the environment. Number two, it's against the law, and I happen to be the, what's known as the designated representative for the EPA. I have to sign off on all the reports that go out on this. We're monitored every six minutes. If I fraudulently do that, I'm subject to not only civil penalties, but criminal penalties, and I don't want to go there. So, if there's ever any question, beyond the fact that the equipment is not designed to be shut off and on, our units cannot run if it's shut off, just in case anybody had heard that rumor, I brought along a whole series of reports that I'll be happy to share with you, if you'd like.

President Musgrave: Are those copies?

Ron Jochum: This is, yes.

President Musgrave: Well, we would like to receive copies for the record.

Ron Jochum: It's not everything, it's just samples. This is only for, this is one unit for one quarter. So, just a point, I wanted to get it in, had the opportunity.

President Musgrave: Well, we have heard that rumor. We've heard that you can tell when you shut it off, because some sort of plume then descends. So, that is a rumor that has reached our ears.

Ron Jochum: I assure you that I have no desire to go to jail. I promise you that I will not allow that to happen. I guess, I will, the plume that you hear about is probably the steam that comes out from the scrubbers. The scrubbers is a wet process. I guess, I would give you early warning, because I fear this is what we're going to hear a lot about when the Alcoa project is in service. The stacks simply now show very little emissions, nothing very visible. When the scrubbers are put in place to remove 98 percent of the sulfur dioxide from those units, you will see a large, white plume coming out of those units. I believe everyone will say, "Oh, my gosh! It's gotten dirtier." That's not true. That's just the way it works. But, I'll be happy, I only have one copy.

President Musgrave: Okay, that's fine.

Ron Jochum: I would take any questions.

President Musgrave: What does the future hold? You've done such a great job, that from your charts here, over the past several years removing pollutants from the atmosphere, what do you see as coming our way in maybe the next ten or twenty years?

Ron Jochum: Okay, well, I mentioned that mercury rules are already in place, Clean Air Mercury Rule, with an implementation deadline of 2009. So, if you're unable to do it through the coal benefits of the devices that I've explained here, then there are other technologies that are honestly being developed to remove the mercury. That's one issue, that's a matter of law in place as it stands today. The issue facing us in the long term is how to deal with carbon. Carbon dioxide, the suspected, and, I believe, most people believe the cause of global warming, or one of the contributors to that. There is likely to be some form of legislation, regulation around carbon. Quite frankly, at this time, from a technology perspective, there are methods, very expensive methods I might add, of capturing the carbon, and carbon dioxide, the problem at this point is what to do with it? How do you sequester the large volumes of carbon dioxide that will come out? That is the most pressing issue facing the energy industry today. We are currently investigating new technologies around burning coal. You may have heard of a Duke-Cinergy project at Edwardsport, as a company we are following that development very closely, as a potential partner, because it has some advantage around how you capture carbon. So, carbon capture, carbon sequestration is the next issue that is facing us, and a very large one.

Commissioner Shetler: Do we generate in excess of what we use, utilize, in the way of power here? Or do we—

Ron Jochum: There are multiple answers to that quite honestly. There are times during the year when we have low demand that we do generate excess. On days like we've experienced over the past couple of weeks, we are relying on the marketplace to provide some of our energy. So, it depends on the time of year, and the time of day, and the demand of our customers. We had a peak demand, last summer actually, not yet again this summer of 1,315 megawatts of peak demand. As you can see from our generation numbers, we total up to just slightly more than that with our internal generation. So, 1,056 plus 295, so, we're up in the 1,340. We're very close. We have a planning reserve requirement from the Indiana Utility Regulatory Commission that recommends that we maintain a 15 percent margin over our demand, the demand of our customers, to ensure reliability. As you probably recall from the blackout that occurred about three years ago, if you get

overloaded and the system starts to cascade, it goes away very quickly. So, you need some reserve margin for abnormal events. But, we're very close and looking for our next piece of generation.

Commissioner Shetler: So, in balance, at years end, if you put it on a balance sheet, then it's close to 15 percent excess, and that's what required by, I guess, the Public Service Commission?

Ron Jochum: The Public Service Commission requires that you have it for a planning reserve margin. It's not 15 percent excess in energy, but in the peak, on that one hour. Unfortunately in the electric industry since we are unable, we have not yet anyway found how to store electric energy, we have to build for the peak. That peak may only occur one hour during the year. On average then, we have a capacity factor on that (Inaudible) much lower than that, more in the 60-65 percent range. So, there are two different pieces, there's the energy that we consume, which is much less at night and weekends and those kinds of things, compared to that peak that we have to build to serve.

Commissioner Shetler: That kind of brings in a little bit, a good segue to my second question there, which is at night, then, generation is generally dropped—

Ron Jochum: Yes.

Commissioner Shetler: —from what it is during the daytime?

Ron Jochum: Yeah, we're able, I'll give you an example of our units. Our units, three of our units are sized at about 250 megawatts, or 250,000 kilowatts per hour. During the day, in the peak of the day, which on a day like today would probably be at 3:00 in the afternoon, we will have them running at their capacity. Overnight, depending on how low the load goes, they can turn down, sort of like your car, they can slow down to anywhere as low as 100 megawatts. So, yes, they do, every night. We have people that are in, on duty around the clock matching up that load, telling the generator what to do to match the load that we have from our customers.

Commissioner Shetler: So, once again, that's, I guess, a bit more proof of the fact that there is not anymore pollution being put out at night, or in the dark of night—

Ron Jochum: No, there's less.

Commissioner Shetler: —but, actually less, because there's less generation.

Ron Jochum: That's correct.

Commissioner Shetler: Nobody can turn switches on or off for the pollution devices, so, therefore—

Ron Jochum: No, it doesn't make any sense. It has no value to us to turn them off.

Commissioner Shetler: Right.

Ron Jochum: Again, it's against policy, and I don't want to go to jail.

President Musgrave: The report showing every six minutes worth of checking is available to anyone who wants to review it—

Ron Jochum: Yes, we file it—

President Musgrave: – that verifies this?

Ron Jochum: –we file it quarterly with the Indiana Department of Environmental Management. We are monitored, not just quarterly, we are monitored every six minutes. We have, and the reports generally have been summarized, the thickest of the reports shows the six minute data, the other we summarize on an hourly basis, and they are open to anyone who wants to inspect them. We would welcome that. If anyone is concerned.

President Musgrave: What can the average citizen do to address the PM2 emissions, and the carbon problem that you spoke of?

Ron Jochum: Well, you know, it's PM10, which is the size of the particle, and PM2.5. Certainly we have a contribution to those pollutants. There are other contributions in farming operations, just the general things that people do. I don't know how to tell them to not do that. But, I suppose, you know, personal protective devices if they are that concerned about the PM2.5. I don't know how to help them with that. Around carbon, carbon, the contributors of carbon are, of course, power plants, there also are fossil fuels that are burned in our automobiles. There are a number of ways, anyway that they can conserve energy will be helpful to the carbon issue. The Energy Policy Act of 2005 has provided some tax incentives for people to increase the insulation in their homes, which would help them conserve energy. We are working to develop different ways to advertise and educate people for....energy conservation is probably the best way to answer both of those questions, as I think about it.

President Musgrave: Alright.

Ron Jochum: Okay?

President Musgrave: Well, thank you very much.

Ron Jochum: You're welcome. Anytime.

President Musgrave: This is a timely subject, and it's good information.

Ron Jochum: We'll be happy to take questions at anytime, even though it's not at a meeting.

President Musgrave: Okay.

Ron Jochum: So, thank you for the opportunity.

President Musgrave: Thank you.

Youth Resources Quarterly Update

President Musgrave: We have next on our agenda Youth Resources quarterly update. I have Ann Burnworth here to give an update on the Youth Resources, and to perhaps discuss other things. Welcome.

Ann Burnworth: Thank you. Thank you for asking. We really enjoy being able to tell you about your investment in the county's children. With me today are Krista Decker, Youth Resources Director of Development, and she has 15 consecutive years of involvement with Youth Resources, starting as a camper with the Teen Power camps, and Laura Ferguson, who is involved in our programs and is also president of our Teen Advisory Council, and a senior at Central High School. The brochure in front of you, we apologize, we've never done this, so we didn't know what you expected. So, we thought we would just give you a brief overview and then let you ask any questions of us. Our main mission is to engage youth in leadership and community service. The reason we do that is because youth who are involved in community service are 50 percent less likely to be involved in alcohol, tobacco, other drugs and risky behavior. And, they're two to three times more likely to be involved in the community as adults. So, we thought we would just give you an overview of the programs, and then answer any questions.

President Musgrave: Okay.

Krista Decker: I'm just going to tell you about a couple of our programs, and then Laura is going to tell you about the three of the five that she is personally involved in. One of our programs is the Make a Difference grants, and that's actually where we involve the majority of the youth through our agency. Annually, as an agency we involve 2,400 youth, locally, in Southwestern Indiana in community service. Through our Make a Difference grants, 2,100 of those youth are involved through this program. So, what we do with our Make a Difference grants is we actually fund youth led community service projects. Any youth can apply as an individual or maybe a classroom at a class, or Habitat club, or a Girl Scout troop, or anyone who is just a young person can apply for a grant up to \$1,000 to implement their community service projects. The main requirement that we have is that it has to be youth led. We want youth involved in all aspects of the process, even through the grant writing process. Then, actually, it's interesting, the way that we award grants is we have youth who are involved in our Teen Advisory Council actually screen the grants. So, that's really neat that they get to be involved in that aspect of the philanthropy. Then, of course, our board of directors does approve those. Then, another program that we have is our Youth Coalition, and that's where we have adults who are youth workers in the community. We just provide a place for them to network. So, we have monthly luncheons. We pretty much operate on the school year schedule, and what we do with those luncheons is we may bring in a speaker that maybe has a topic and be an expert in a youth related field. We take suggestions from members of the Youth Coalition to actually come up with the speakers who are going to come and present to those. So, it's good, it's just a good way for people who work at the youth agencies to network and get to know each other, and they may be touching some of the same youth, and maybe different youth across the county and the city. So, that's a really good one. We also honor youth who are volunteers at those banquets. It may be, maybe just someone who's an "I did it" story, somebody who turned their grades around and started getting involved in the community. They aren't the huge ones that may get the spotlight on them all the time. So, we just try to provide a forum for youth like that too. Then, at the end of the year, we have a Hall of Fame banquet, where we actually honor a youth worker and a youth who are volunteering in their community. So, that's just a way, again, to honor the youth and adult partnership that we really try to focus on in all of our programs. Then Laura will tell you about our other three.

Laura Ferguson: Hi. I have been involved in Youth Resources since my freshman year at Central. I'm currently involved in the Teen Advisory Council, which I'll be

president of for this coming school year. I'm also involved in Teen Power, and the Teen Court, which is the newest program. I'm going to start with TAC, just because I like it. Basically, it's a group of about 60 kids representative from every school in the EVSC, parochial schools in Evansville and also Castle from Warrick County. We get together at 5:55 in the morning, every other Friday during the school year. It's pretty tough for some people. Basically, what we do is build leadership skills in the kids that are in the council, and we also do community service. Lots of that. Every student involved in the council is required to complete 15 hours per semester of community service. We are split into six, or five sub-committees, one of them is the service committee will coordinate all of those service projects with organizations and agencies throughout the county. So, that's that. Then, Teen Power, obviously, we have two summer camps, a middle school and a high school. Basically, it's a youth run, youth led camp that addresses substance abuse issues and prevention. We just finished both of our camps this summer. The high school was two weeks ago, and the middle school was in June. I was on youth staff for both of those. That's the youth led aspect. The youth staff basically plans the camp starting about in January, right? In January. We have meetings every couple of months to plan the theme, to plan the workshops, to plan the speakers. Then, I would consider the most important aspect of Teen Power is the family groups. Kids come from teams, from youth organizations, and their schools, and, you know, places where they're familiar with people, they come with people they know, and we take them and we split them up, and put them in a family group, is what we call it, because you get really close by the end of the week, with people they don't know. There you have two youth staff and an adult advisor, like all kinds of people from the community come to help out, which is really great, the youth-adult partnership that goes on there. The youth staff will facilitate the family group time, and, basically, they debrief on the workshops and the speakers and people really open up to how they've been affected by substance abuse and how they work through it. It really builds a network of friendship throughout the whole camp. So, that's really cool, and I really enjoy it. It's kind of a life altering kind of thing. I've definitely been changed by going there. Then, our newest program is Teen Court. We work with Judge Brett Niemeier in the Vanderburgh County, he's a Juvenile Superior Court Judge. A really cool guy. Basically, that program is you take a first time offender, a student, non-violent crime, you know, something like with substance abuse or something like that. They'll come to our court, and there will be a youth prosecuting attorney, a youth defense attorney, a youth jury, and a youth bailiff. Of course, they have adult mentors that help them. But, it's a real trial, and it really affects the student who's involved. You know, it affects their lives. What we say, is what happens, basically. So, the prosecuting attorney, the defense attorney will actually go through an actual process of questioning the youth involved about, you know, the incident, whatever happened, and then the jury has a chance to ask questions, Judge Niemeier asks questions, and then the jury will go back and deliberate and come up with, what's the actual term? It's a sentence, but that's not what we call it.

Ann Burnworth: Disposition.

Laura Ferguson: Disposition. We give them from community service, letters of apology, you know, any kind of something like that, and usually Judge Niemeier always tells us that what we give them is usually harsher than what he would give them if they were sitting in his real courtroom. Which is interesting, and it's beneficial to that youth to see that their peers actually care what's happening to them, and that we don't agree with the behavior, and we think it's better for our community if they, you know, fix up their lives. We like to help them do that. That's that. That's about all I have on that one.

President Musgrave: Thank you, Laura.

Laura Ferguson: Any questions? We all would be happy to answer.

President Musgrave: Where does your summer camp for Teen Power take place?

Laura Ferguson: The middle school takes place at USI.

President Musgrave: Okay.

Laura Ferguson: The high school is at U of E.

President Musgrave: You have all the schools in EVSC, including Signature, involved?

Laura Ferguson: Yes.

President Musgrave: Is it TAC you called it?

Laura Ferguson. Yeah, Teen Advisory Council.

President Musgrave: Okay.

Ann Burnworth: Laura forgot to invite you to come to any one of those 5:55 meetings you would like to come to.

Laura Ferguson: Of course.

President Musgrave: I'm going to delegate that. No, I think that was all the questions I had. Commissioners, we fund this 50-50 with the city, is that right?

Ann Burnworth: That's not the exact breakdown. It's 20 county and 35 city.

President Musgrave: Okay. So, this will be one of the items on our upcoming budget hearings. Marissa, which line item is that in?

Marissa Nichoalds: It's in the Commissioners general fund.

President Musgrave: Alright, so I'll be representing that, but I needed to know more about the program. I'm very impressed with what I've seen. We may call upon you, could we call upon you to maybe give us some advice at Burdette Park? We could use a Teen Advisory Council to—

Ann Burnworth: They would love to have that CO2 emissions, anytime they have the opportunity.

President Musgrave: Really?

Ann Burnworth: Yeah. You wouldn't give them your opinion, would you?

President Musgrave: Well, I might have somebody get in touch with you, because I know that we're having issues out there right now with some vandalism. I believe that the people who are doing this are young. So, it might be nice to have some young people perspective on the problem.

Krista Decker: Actually, with our high school Teen Power camp that we had two weeks ago, we partnered with Smoke Free Communities, and we got to have the pool all to ourselves for the camp on Tuesday night, and they absolutely loved it. Last year was the first year that we did that, and this was the second year, and they were so excited to get to go back. That is one of their favorite things is the pool party out at Burdette. So, I know that they would love to take some ownership with trying to take care of it.

President Musgrave: Okay, well, consider it done then. We'll get in touch with you. Are there any other questions? Okay, thank you very much.

Laura Ferguson: Thank you.

<p style="text-align: center;">Permission to Award Request for Proposal: Cash Management/Arbitrage Rebate Services: Vand. Co. Bonds</p>
--

President Musgrave: We now have on the agenda, the Commissioners permission to award request for proposal for cash management/arbitrage rebate services for Vanderburgh County bonds. We received a number of bids which the attorney read out last week. Mr. Ziemer, do you want to report on that? Do you have anything to say?

Ted C. Ziemer, Jr.: No, I don't think I have anything beyond what I reported last week as what the quotes were for the various services.

President Musgrave: Okay, I met with the attorney and it appears that the low bid, even though this item does not need to be awarded to a low bidder, that the low bid was Integra. I would like to award it to Integra. I did check with the Treasurer, and she feels comfortable working with them. Do you have any thoughts on this, Commissioner?

Commissioner Shetler: Let me just review that real quickly. Was it point eight, was their bid on it? Their fee structure, if I remember, was that a one time shot, and some of them were doing annual?

Ted C. Ziemer, Jr.: No, no. There were two things the quotes were issued on. One was for cash advisory services, and the other was for arbitrage rebate services. All quoters bid those in two separate increments. One so many basis points annually, and then the other so many dollars per calculation. Integra's response was eight basis points of the value annually for both services.

Commissioner Shetler: As opposed to, if I recall a couple of the other ones were doing it like on a flat amount of \$3,000, or an annual thing of a thousand dollars a year on the arbitrage?

Ted C. Ziemer, Jr.: Arbitrage, that's correct.

Commissioner Shetler: Then, we calculated that out and that, going with that eight basis points, in both of those instances, actually ends up being less expensive then?

Ted C. Ziemer, Jr.: It does. The next closest quote for the cash advisory services was also eight basis points, but in that quote they indicated that for the arbitrage rebate services they would charge between \$3,500 and \$5,500 per calculation,

which would take place annually. That calculation is included in the eight basis points quoted by Integra.

Commissioner Shetler: Okay. Alright, and I like the fact that Integra is a local company, and keeping it here at home. I think this was originally looking at perhaps Indianapolis or someplace, I appreciate the fact that we're keeping it here with local taxpayers being rewarded with their job. So, I'll make the motion to approve that.

President Musgrave: For Integra?

Commissioner Shetler: For Integra, yes.

President Musgrave: And I'll second that. Is there any discussion? All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

<p style="text-align: center;">Permission to Award VC06-07-01: Intersection Improvements for Green River Road at Lynch Road</p>
--

President Musgrave: We now move to permission to award VC06-07-01, intersection improvements for Green River Road at Lynch. Pat Seib is here for our vacationing John Stoll.

Patrick Seib: Good afternoon, Patrick Seib, the Assistant County Engineer. I would like to request approval to award contract VC06-07-01 to JBI Construction in the amount of \$472,632.28. This project will improve the intersection of Green River Road and Lynch Road by adding right turn lanes to the east, west and south legs of the intersection, adding a concrete median on the south leg, and relocating the traffic signal poles.

President Musgrave: When will this work take place?

Patrick Seib: It will begin after we issue them a notice to proceed, after they get their certificate of insurance and all their bonds to us, and it has a completion date of October 27th of this year.

President Musgrave: Okay.

Commissioner Shetler: The road's not going to be closed or anything like that? It's going to remain open?

Patrick Seib: It will remain open to traffic. There's going to be some lane restrictions around where they're working. I think the lane immediately adjacent to where they work, they will have funneled over, but it will be open to through traffic.

Commissioner Shetler: Alright, and this will prevent any left turns coming out of that area, or into the area after that's all reconfigured and stuff there.

Patrick Seib: The median on Green River Road will keep left turns into and out of the Davis Lant Drive there, which is located just south of Lynch Road. The other turn

lanes are going to be for the increased traffic flow at the intersection to get the right turn traffic so they're not impeding the through lane traffic flow at the intersection.

President Musgrave: So, there are some orange bars down the center line now--

Patrick Seib: Yes.

President Musgrave: --on Green River Road, and those orange bars will be replaced with a concrete barrier, right?

Patrick Seib: Right.

President Musgrave: Okay, and there will be added turn lanes?

Patrick Seib: Yes.

President Musgrave: Okay.

Commissioner Shetler: Alright. I'll move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

Patrick Seib: Thank you.

President Musgrave: Thank you, Mr. Seib.

<p>Superior Court: SW IN Mental Health Contract (Deferred) Superior Court: Professional Services Agreement: Robert Canada</p>

President Musgrave: We have concr...I almost said concrete. Contracts, leases and agreements now. Superior Court will be deferred until next week, there's some language revision going on in that contract. But, we have Superior Court, Robert Canada, which, Mr. Ziemer, do you have anything to say about this?

Ted C. Ziemer, Jr.: No, it's satisfactory for execution.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

County Engineer

President Musgrave: Mr. Seib, you might as well have just stayed at the microphone. You have your department head report.

Patrick Seib: Hello again. I would like to request an approval to shift an additional \$7,000 from the general TIF account into account number 4313, and that's to cover reimburseable expenses for Beam Longest and Neff.

President Musgrave: Okay.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

Patrick Seib: My next item is to request approval of an agreement with ESRI for maintenance of our GIS software. The County Attorney has reviewed the agreement and was satisfied from a legal perspective that it was okay. The cost of the agreement is \$700.

Commissioner Shetler: So moved.

President Musgrave: Second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye.

Patrick Seib: My last item is to request approval to receive quotes next week for contract VC06-08-01, and that is Stringtown Road Bridge debris removal.

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. The motion carries.

Patrick Seib: That's all I have, unless you have any questions.

President Musgrave: Alright.

Ted C. Ziemer, Jr.: I just wanted to ask, on the Clark Dietz contract, you've contacted them about our discussion there, I guess?

Patrick Seib: I got in contact with Jason Heile, and he picked up the—

Ted C. Ziemer, Jr.: Insurance?

Patrick Seib: –insurance requirements.

Ted C. Ziemer, Jr.: Good.

Patrick Seib: He said that he would get that through the pipeline.

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

President Musgrave: Thank you.

Patrick Seib: Thank you.

New Business

President Musgrave: Next on our agenda is new business. I have a couple of items of new business. First is some very good news. You checked with them and we're allowed to release this?

Marissa Nichoalds: Yes.

President Musgrave: Well, wonderful. We, along with Warrick County, applied for an award called the 2006 Local Government Cooperation Award to the Association of Indiana Counties. We received a letter from the Association of Indiana Counties congratulating us on being one of the recipients of this award. This is for the cooperation that it took to build the Lynch Road extension. As you know that cooperation extended over several administrations for a long period of time. So, they are asking for dates and times, when to come down to do the filming for that so that the award can be presented, I think at the fall meeting. The September 20th banquet at the AIC. So, Warrick County and Vanderburgh County won an award for the cooperation that it took to build the Lynch Road extension. Very pleased to announce that. Next, we, I don't think you can call this an award, but we received a letter saying that the Indiana Substance Abuse Council's, our comprehensive community plan has been reviewed and it has been approved by the Governor's Commission for Drug Free Indiana. I believe that that application was made by the Sheriff's Department?

Marissa Nichoalds: Yes.

President Musgrave: Yes. So, their application was also approved. I have now that Dave Rector would like to make, there you are, Mr. Rector, to talk to us about electrical boxes at the Centre.

Dave Rector: Yes. Dave Rector, Building Authority. I had sent each of you an e-mail regarding this subject, and need to come to you officially to request funds from F&B to repair. I have some photographs to kind of show you what's going on over there, and what the repairs may or may not be. I propose we do it on a time and material basis, because not all of the four boxes are in as bad a condition as some others. Some may need so much work and others more or less. An estimate is, time and material, that we're thinking it may possibly cost up to about \$20,000. But, I'll get daily time tickets from the contractor so that we can track costs and request permission to spend F&B funds to do that work.

President Musgrave: Did we already request funds to do the wiring for the new signs that are—

Dave Rector: That's out to bid right now.

President Musgrave: Is it?

Dave Rector: We've already, yes, we've already requested the funds, you've approved it. The channel lettering that we talked about a couple of meetings ago, that's out to bid, and also the interior meeting notice signage.

President Musgrave: Okay. If there's a motion to approve?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye.

Dave Rector: Thank you, Commissioners.

Commissioner Shetler: Thank you.

President Musgrave: Thank you. And, Mr. Fluty, I do have one question. I e-mailed you an e-mail that we had received from the Governor's office about their MVH funds, and how they were going to be distributing, I guess, \$3.4 million, but I couldn't determine whether that was around the state, or just to Vanderburgh County. That the Governor has changed a policy that makes more local road and street money available to us. What was Vanderburgh County's share of this wonderful rebate on the part of the State of Indiana?

Bill Fluty: I've made some inquiries. I've talked to John Stoll and he couldn't give it to us, but we've checked up with the state and I've asked what part of that, what we're hearing is that it won't be that much, because you're talking \$3.4 million back to 92 counties. But, I don't have that figure for you, but I'll continue to try to get that information.

President Musgrave: Well, I'll look forward to hearing about it, because if there's more road and street money, we have more road and street obligations and plans and things that we could spend it on. So, you'll let me know as soon as you find out?

Bill Fluty: Yes, I will.

President Musgrave: Alright, thank you. I'll pause to change the tape.

(Tape change)

President Musgrave: Commissioner Shetler, do you have any new business?

Commissioner Shetler: Yeah, earlier in the department head meeting, we talked about the vandalism and things that have been occurring out at Burdette Park, it was suggested that, and perhaps next year look at adding some temporary labor, and I'm

wondering if we couldn't do that for the remainder of the year? We're talking about a couple of months, not talking about a whole lot of money. Something that wouldn't be beyond a couple thousand dollars at most, and perhaps even look and see if there's money available that could get some of the other new, modern things that you had discussed too. That would be the lights and stuff, that would be a motion detectors and a few other things that might be up-to-date to catch people, and also catch them off guard. We might look at shifting some schedules around, the night watchman seems to be a fairly consistent timing, and that we might change some things there to catch people off guard a little bit, rather than being so consistent on our timing. But, I think if we can have someone else in there as soon as possible that would go in from midnight till 8:00 in the morning, that would help tremendously. We had an incident the other day where about almost \$3,000 worth of damage was incurred. So, we can afford to do, you know, the part time help for a couple thousand dollars compared to losing that kind of expense on things getting torn up. So, it's unfortunate, but that's part of today's world.

President Musgrave: I understand some arrests have been made, but we're not sure that the arrests are for the total amount of the vandalism that has occurred out there. So, I agree, I think we need to have maybe some more technology put into place in order to watch the park and alert. So, are you wanting to make a motion that we ask for more money?

Commissioner Shetler: I am. That we ask for Council to appropriate some more money in the Temporary Labor account, so that we can put on a seasonal, part time night watchman to, you know, guard the gates from 12:00 to 8:00 in the morning then.

President Musgrave: Well, do you want to put a figure to it that can be revised later?

Commissioner Shetler: I would say, oh, \$2,500 would probably be appropriate there. More than cover it.

President Musgrave: Okay. Alright, I'll second that motion. Is there any other discussion? All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. Work with Marissa to get that filed.

Old Business

President Musgrave: Old business, the weed reorganization update. Last week I presented to you a flowchart that showed how we were working on weed complaints and who took the complaint and when the County Highway Department was sent out to do the work. We had a meeting last week where we sat down with the Building Commissioner, the County Highway Department, Mr. Fluty, the Auditor, was also present, as was Marissa and myself, and we went through the ordinance itself and the various steps that need to take place. After that meeting I took a stab at revising the ordinance and I've sent it over to our attorney, and he tells me that he can probably review and get that back to us in the form of an ordinance for first reading by next week. So, as soon as you get that to me, I will make sure, and if you could send it to the Highway Department and to Mr. Fluty, as well, so that we can all make sure that the language does reflect what we were talking about. But, basically, this

takes and puts all the responsibility for following a weed complaint from the beginning of the complaint through the end of the mowing and billing process in one office's hands. That will be the County Highway Department. Instead of having it spread across a number of different offices. I think we had three offices that were involved, including the Commission office. We would get calls and we would not know where the complaint was, if it had been turned over, whether it had been mowed. So, this consolidates that, and we hope that it streamlines it and makes it faster. So, I just wanted to give you that update that we have had that meeting.

Commissioner Shetler: One question, will that tax the Highway Department? I mean, do they have the manpower to do that at the present time? Or will they need another person, and should we look at the budget for at least a seasonal, because that's a seasonal thing, obviously?

President Musgrave: The Highway Department was already asking us, and I believe that we put it in the budget for an additional person for next year for their regular mowing duties. But, their mowing duties are not changed by this at all. They always had the obligation to mow the property. It's the office work that changes. Their office staff will be sending out some letters and doing some more tracking, and I was given every indication that they thought they could absorb the office work, without any additional staff. But, they already feel a little squeezed on the mowing personnel, and they were looking for more help in that department.

Commissioner Shetler: Alright, thank you.

President Musgrave: Is there any other old business?

Public Comment

President Musgrave: Is there any public comment?

Consent Items

President Musgrave: We have consent items. I have a note here that the Auditor's report should be for July and not June as listed on our report. So, I need to amend it. And, we also need to amend it to apply for funds for the Juvenile Court for a grant, and we are adding a letter to Connie Fowler at the IEDC regarding the Brake Supply easement transfer to the county. Is that ready? I believe we wrote a letter at Connie's request to send the documents that you had sent over for the easement, to send that to her.

Ted C. Ziemer, Jr.: I did speak to the attorney for the Vanderburgh Industrial Park, and he was going to try to get me that today, but he did not.

President Musgrave: We received a fax.

Ted C. Ziemer, Jr.: I didn't.

President Musgrave: Oh, okay. Well, we got it.

Ted C. Ziemer, Jr.: Then you have it.

President Musgrave: Is there a motion to amend the consent agenda?

Commissioner Shetler: Approve as amended.

President Musgrave: I will second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. Is there a motion to adjourn?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye.

(The meeting was adjourned at 4:20 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (1)	Burdette Park (2)	County Clerk (2)
Center Assessor (1)	The Centre (1)	Public Defender (1)
Superior Court (1)	Circuit Court (1)	

Travel Requests: Auditor (1)

Commissioners:

Taxpayer comments on smoking ordinance.

Evansville ARC: June report of activities.

Semi-Annual Grant Report for Knight Township Fire Dept. CDBG Grant.

Waiver of Fees for the Centre: Human Relations & City of Evansville

Department Head Meeting Notes: July 18, 2006.

Indiana Economic Development Corp. Letter: Brake Supply: Drainage Easement

Treasurer:

Monthly report: June 2006.

Year-to-date investments.

County Clerk: Monthly report: June 2006.

Auditor:

Financial Statement: July 2006.

Submission of Statement of Salaries & Wages (Form 144's).

Legal Aid: Monthly report: June 2006.

Superior Court: ICJI Juvenile Accountability Block Grant Application

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service
CIO		

Those in Attendance:

Cheryl Musgrave
Ted C. Ziemer, Jr.
Ron Jochum
Laura Ferguson
Members of Media

Tom Shetler, Jr.
Marissa Nichoalds
Ann Burnworth
Pat Seib

Bill Fluty
Madelyn Grayson
Krista Decker
Others Unidentified

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 1, 2006**

The Vanderburgh County Board of Commissioners met in session this 1st day of August, 2006 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 August 1, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will begin with a call to order, I mean, introductions. I did that part.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the July 25, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the minutes of July 25th?

Commissioner Shetler: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye.

**Permission to Open Bids: VC-14-2006:
Tandem Trucks with Multi-Use, Heavy Duty Dump Body & Cab Controls**

President Musgrave: Action items, Purchasing, permission to open bids for VC-14-2006, tandem trucks with multi-use, heavy duty dump body and cab controls for the County Highway. Does anyone have any questions for Debbie Spalding? Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Permission to Open Quotes: VC06-08-01:
Stringtown Road Bridge Debris Removal**

President Musgrave: County Engineer, permission to open quotes for VC06-08-01, Stringtown Road bridge debris removal. Does anybody have any questions for Mr. Seib, or is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**First Reading: CO.08-06-014:
Weed and Abandoned Watercraft Ordinance**

President Musgrave: Next on our agenda is CO.08-06-014, weed and abandoned watercraft ordinance. This is the first reading. Mr. Ziemer, would you like to make any comments?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay, Commissioner Shetler? Mr. Shetler, would you–

Commissioner Shetler: No, I have nothing.

President Musgrave: Alright, to introduce this ordinance....I'm sorry, Mr. Nix?

Commissioner Nix: No, I have nothing.

President Musgrave: This is an ordinance that deals with weeds, and it removes the responsibility for the weed notification and cutting to one department, mostly moving items from the Building Commission to the County Highway. The watercraft section defines specific terms for abandoned boats, and sets fees for towing of the abandoned boats. Those fees will be identical to those for towing vehicles, if my memory serves. It shows that it would be enforced by the Sheriff. Today is first reading. I guess, I will go ahead and hear a motion and a second for first reading and then take comments. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Okay, we have a motion and a second. Would you like to make remarks to this? Please come forward and state your name and address for the record. Come to the podium right here.

James Smith: My name is James Smith. I own Smith's Bait and Tackle on Morgan Avenue. I believe this would be a bad ordinance to, on abandoned boats. I don't consider that to be the same thing as cars. A lot of people, for different reasons, may want to go two or three years without fishing again, or they may be saving their boat for their grandchild, or different reasons like that. I just, I think it's a bad ordinance. I don't consider it the same as a vehicle.

President Musgrave: Alright, thank you, Mr. Smith. Commissioners, do you have any questions?

Commissioner Shetler: I might just point out, that one of the things that we're trying to accomplish by it is that there are areas that you go out to, particularly in the county, where you might see a boat that's been there as long as ten and 15 years, just sitting off to the side, weeds have grown up around it. Because they are watercraft, it should be able to probably keep water from going in, but when they are opened up and there's no canvas on them, water seeps in and they tend to sit there and you end up with mosquitos infesting it, etcetera. Then they become an eyesore. They sit there for years after years, and I can point out that many areas, I'm thinking particularly as you go down through Dogtown and stuff there where you might see boats that have set for a long period of time, and there's, it's uncalled for, and I think if we just don't address the issue they'll continue to sit there and we won't deal with it.

James Smith: I thought about that too, but that could be used to excess. You know, like if a neighbor's got it in for another neighbor, he could call and if you've got a certain set law on something like that, that he could just use it to harass his neighbor even.

Commissioner Shetler: As long as they keep their boat current, as far as the registration is concerned, there isn't any problem. What tends to happen on those is that they don't keep them current and go in to get their license through the license branch and stuff. What will happen, if a guy leaves it dormant lets say for three years, as you pointed out, and then after the third year he goes in to get his license or registration done on the boat, he'll have to make up those three or four years, plus late penalties and everything else. So, in a certain sense, it's really keeping this guy on his toes to get that done every year, on an annual basis, rather than....because those are property taxes that we're missing out on.

James Smith: I don't think a person should have to register it every year if he's not going to use it.

Commissioner Musgrave: Alright, any further comments?

Commissioner Shetler: No.

Commissioner Musgrave: Thank you for your comments, sir, they are part of the official record. We have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: I will call the roll. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. This is passing first reading. It will be on the agenda next week again for second reading, and there's the opportunity to amend this during the meantime, or not, as Commissioners so desire.

<p>First Reading CO.08-06-015: Disability Services Advisory Board Ordinance</p>
--

President Musgrave: Next on our agenda is CO.08-06-015, establishing the Disability Services Advisory Board. Again, this is a first reading. It establishes this board, which is very similar to one passed by the city recently, and it sets up an advisory board for the city and county for persons who have disabilities and advising us how to handle issues in that regard.

Commissioner Nix: And this is identical to the city's, is that correct?

President Musgrave: It is close. There are two small changes.

Commissioner Nix: Okay.

President Musgrave: One changing the number of members so that the county appointees are identical to the city's. The second, asking that the minutes of that body be sent to the County Commissioners as well as to the Mayor's office.

Ted C. Ziemer, Jr.: And making those changes resulted in three other changes, we had to increase the total number of members on the board, because we were adding, we also had to change what the quorum provision was.

President Musgrave: Oh, that's right. The city has indicated that they are agreeable to amending their ordinance, revising it—

Commissioner Nix: I guess, that was my point then—

President Musgrave: Yes.

Commissioner Nix: —in the end, it will be the same as the city's?

President Musgrave: Yes.

Commissioner Nix: Okay.

President Musgrave: It is not the same right now. Is there a motion for this first reading?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: A motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: I will call the roll. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. We will have this back again on our agenda next week for final reading.

**Public Hearing/First Reading of CO.V-08-06-002:
Ordinance to Vacate Woehler Drive & Platted Easements (VIP)**

President Musgrave: Next is CO.V-08-06-002, the amended ordinance to vacate platted easements and public way or place. This is a first reading. The vacation of, is it Wheeler or Woehler Drive?

Steve Gossman: Woehler Drive.

President Musgrave: Woehler Drive as requested by the Evansville Industrial Foundation. State your name for the record please.

Steve Gossman: Good afternoon. Steve Gossman with Kahn Dees Donovan and Kahn, here representing our client, Evansville Industrial Foundation, who has actually petitioned the Commission to vacate Woehler Drive and the adjacent public utility and drainage easements that were surrounding Woehler Drive. We've requested this petition based on the fact that Brake Supply Company is planning on building a new facility on lots one, two, three and four. The footprint of the actual facility lands on all four lots, therefore Woehler Drive is no longer needed. The drainage will now be tracking around the building and actually draining into where the existing retention pond is. It will just have a different shape. I would be happy to answer any questions that you may have.

President Musgrave: Are there any questions?

Commissioner Shetler: I just might point out that Woehler Drive is named after my mother's side of the family. So, voting against this is like voting against your mother.

Ted C. Ziemer, Jr.: You won't let that prejudice you though.

Commissioner Shetler: But, I'm still for economic development overall.

President Musgrave: Well, we have some ditches in the county that we could name after your mother.

Ted C. Ziemer, Jr.: I do have one question, I was advised earlier today that you had a response from the Sheriff. Did you ever get a response from the County Surveyor?

Madelyn Grayson: I did get a response from the Sheriff. He said that he has no problem with it.

Ted C. Ziemer, Jr.: Right.

Madelyn Grayson: It was e-mailed this afternoon. No, but this has been discussed at Drainage Board.

Ted C. Ziemer, Jr.: It has been. I just wondered if we had something in the file. We ought to ask Bill Jeffers to at least give us a letter to put in the file. I know he has indicated previously he doesn't have an objection. Thank you.

Steve Gossman: He's indicated the same to us as well.

President Musgrave: Okay.

Commissioner Nix: Can we approve that pending that letter then?

President Musgrave: Okay, this is first reading.

Commissioner Shetler: I'll make the motion that we vacate that street.

Commissioner Nix: Second.

President Musgrave: I have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. This will again be on our agenda next week. Thank you for coming, Mr. Gossman.

Steve Gossman: Thank you.

Burdette Park: Six Month Income and Expense Review

President Musgrave: Burdette Park, six month income and expense review. Director Steve Craig is here to give us an update. He previewed this at County Council last week, and is here to share that information with us.

Steve Craig: Okay, my name is Steve Craig, and I'm the Manager of Burdette Park. The first part of the year has been a very good time for Burdette. I had given you a spreadsheet on the pool, or the aquatic center, and there was several increases in our income across the board. Our pool increase was 42 percent, rentals was 11.5 percent, the daycamp was 22 percent, and miscellaneous was 74 percent, for a total increase of 24.76 percent increase for the same time over last year. In our non-

reverting account, which is our concessions and our miniature golf, batting cages, gift shop, etcetera, showed a 26 percent over last year. At the same time, the expenses, it was from 2005 to 2006 we were \$28,000 more than we was in 2005, which is about five percent, I think, or something. It's very small, but that's a fluctuating number. There could be bills out, there could be bills still due. The non-reverting account was, is \$33,000 more than it was last year, and I can accredit that to we have a new concession stand, and that was money that was taken out of that to furnish the new concession stand and to do work and that to get it ready for use.

President Musgrave: I know that we put in a different marketing plan, in some respects, this year. We had a student contest for their photographs to appear on our billboards. You had a lot of publicity in the schools while you were getting the students rounded up to compete for that opportunity. I know that you appeared on a t.v. morning show for one of the stations to highlight—

Steve Craig: I don't know if that helped or not.

President Musgrave: That's true.

Commissioner Nix: You took the words right out of my mouth.

President Musgrave: The park had some good publicity, even if it was early in the morning.

Steve Craig: It's been a good summer. The weather, even though we've had a lot of rain days, when it is warm we've had incredible crowds. I was back at the spray park today, and you couldn't have got any more people back there, I think. It's just been a total success. It's a win-win situation. It's a great facility for little kids. It's kind of a tool to get them used to the water and that without them being scared. Whereas in a swimming pool, sometimes it's a little bit harder to get kids adjusted to it. I think it's just something that's a win-win situation. It's low maintenance, very high use. The shade pavilion, I kind of made a mental note that every picnic table back there was full of people by noon. I think the grandparents and the parents don't mind sitting in the shade anymore and watching their kids play in the water. So, I think that that's, we can attribute the raise in the attendance and the revenues has a lot to do with the spray park also.

President Musgrave: And you had a new brochure last fall that highlighted the other rental opportunities in the park, the chalets.

Steve Craig: That was successful too. We had did a business to business advertising, and contacted probably a little bit over 400 businesses in the tri-state, and got a lot of calls back, got several company picnics, and Christmas parties, even business meetings that they brought to the park. I consider that successful too, because we've met a lot of people. It's still coming in. It's going to be something that's gonna help us for years to come. I think after a year or two, you take it out and start all over again, because we still have the same list that we had. I think that was successful also.

Commissioner Nix: Steve, can you touch on just if someone wants to rent a chalet or the O'Day Discovery Lodge the times that they could call and come out and look at the facilities and that.

Steve Craig: Yes, our office is open between 8:00 and 4:30, and that will be through the middle of September it will be seven days a week. Then once the season is over, we're open Monday through Friday 8:00 to 4:30, and you call and our ladies at the park will give them the information that they need to rent the chalets, the Discovery Lodge or one of our buildings. They'll take care of all their needs. I think that if they come out and take a look at them, they'll enjoy them.

President Musgrave: You can also experience the free wireless internet that Steve and the GIS Department put in out there at the Discovery Lodge. I know that they encountered difficulties putting them in the chalets, but that remains a future goal. The future is that we also have half our advertising budget left for the fall, and we've been talking to him about doing a cable t.v. promotion. So, we want to look to that. Because in the fall and winter, of course, the pool is closed, and we need to rent the chalets and the Discovery Lodge to their capacity, if we can.

Steve Craig: We are going to have, I think, if everything goes well with Mr. Ziemer today, we're going to have a haunted forest this fall. So, everybody can come out and if they want to get scared, we can scare them.

Commissioner Shetler: I'm not going to ask how this relates.

President Musgrave: Maybe he's one of the exhibits, the lawyer exhibit. Is there anything further with regard to the budget?

Steve Craig: No, Ma'am.

President Musgrave: Okay. Thank you.

Commissioner Nix: Thanks.

Steve Craig: Thank you.

Commissioner Shetler: Alright, thanks, Steve.

<p>Superior Court: Southwestern Indiana Mental Health Agreement Burdette Park: Rot-N-Casket Productions Lease Agreement Aids Resource Group: Addendum to Lease Agreement</p>

President Musgrave: Contracts, leases and agreements, we have three, and if we could take them all in one motion, they are; Superior Court, Southwestern Indiana Mental Health Center, the agreement which evaluate drug court participants. It's identical to prior agreements, except for the costs, which, I guess, are updated, and these costs are covered through the Courts budget. The Burdette Park Rot-N-Casket Productions, the agreement to use Burdette Park for the Haunted Forest throughout the fall. The Aids Resource Group, the addendum to their lease agreement. That allows them to rent an additional office at the Old Courthouse. Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second. I do have a question on the Burdette Park, if I remember, I received an insurance certificate I believe on that.

Ted C. Ziemer, Jr.: We don't have it yet, but we will have. The contract provides for that, and they won't get the use of the premises until they provide it.

Commissioner Shetler: What was the amount on that, was it five?

Ted C. Ziemer, Jr.: Five hundred, or five million dollars.

Commissioner Shetler: Million?

Ted C. Ziemer, Jr.: Million dollars, yes is the maximum.

Commissioner Shetler: Okay. Does that, will they be required to put any kind of bonding up or anything like that, in case there's any damage done to the park itself?

Ted C. Ziemer, Jr.: No.

Commissioner Shetler: Would that—

Ted C. Ziemer, Jr.: No, that's not part of the contract.

Commissioner Shetler: Has there been a problem on anything else in the past, Steve, that you've encountered where there have been haunted houses? Will we have ample security around to protect our properties and stuff?

Steve Craig: Yes, they will furnish two security people every night that it's open, plus I will have a Sheriff that will be on duty at the time. What they're leasing is just a section of woods. So, you know, there's not a lot damage that's done, or can be done, but we've not had a problem with the several that we've had in the past.

Commissioner Nix: And this is on the west side of the lake?

Steve Craig: No, no, this is going to be up on the west side of the campground.

Commissioner Nix: Okay.

Steve Craig: It's going to be up in that section.

Commissioner Nix: I know years ago they used to have it down—

Steve Craig: Right, and it was run there, and we had discussed that and the trails are quite steep and that, and they've always been that way. This is more of a gentle terrain with more of a road going through the whole thing.

Commissioner Nix: Just curious, will parking be a problem at all? Do you have plenty of—

Steve Craig: No, I don't think it will. We, on Friday nights and Sundays when they're not doing it, we can park them at the Discovery Lodge. If not, we have the parking down in front of the BMX track, through the top part of the park and out. I don't see parking being a problem.

Commissioner Shetler: Alright, thank you.

President Musgrave: Was there already a motion and a second?

Commissioner Shetler: Yes.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: We move now to the department head reports. We have Pat Seib subbing for County Engineer, John Stoll.

Patrick Seib: Good afternoon. Patrick Seib, Assistant County Engineer. I would like to request acceptance of the streets in Cross Pointe Subdivision. That's sections 7B, C and D. The streets include .13 miles of Bentee Wes Court, .08 miles of Cross Pointe Boulevard, and .16 miles of Columbia Street, for a total of .37 miles of new streets. The streets were completed in April of 2006, and constructed with asphalt, in general accordance with the approved plans.

Commissioner Nix: Can you give me a total mileage again? I'm sorry.

Patrick Seib: .37 miles.

Commissioner Nix: Okay.

President Musgrave: Is there a motion?

Commissioner Nix: One question, this is, this will warranty from one year from today then?

Patrick Seib: Yeah.

Commissioner Nix: Okay, move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: The only other thing I had was to make you aware, yesterday I approved the contractor on our concrete repair project to use a different concrete mix. With the hot weather they've been running into, they are having trouble of having the concrete set up too fast. The foreman said they had guys walking on it in 15 minutes. So, the new mix will be \$1.25 cheaper per cubic yard. So, at the end of the project we'll come back with a change order on this.

President Musgrave: Okay. Anything else?

Patrick Seib: I didn't have anything else, unless you have any questions.

Commissioner Shetler: The only question I had, going back to that street acceptance, I've had this question come up a few times in new neighborhoods, with as many developments as we have going out there today, is that often times streets aren't accepted and brought into the county until after the development has gone on for some time, a couple, three years down the road. And, many times those things, since, until the county actually accepts them, they're not really registered as being a part of it. So, when they get simple things like pizza deliveries, or an emergency vehicle that needs to get there, it's not registered anywhere, so they really don't know where to go, unless they're given pretty explicit directions and stuff by the caller. In an emergency situation, and you're panicked, that doesn't always work well. Is there something that we could do that might minimize that, or at least get it on record somewhere where they could, that map companies and different people would have listings of these streets that are tentatively, you know, out there or something?

Patrick Seib: I'm not sure what we could do. I know the GIS as soon as the plats come in, they'll draw them on their aerial photos, but they won't have anything show up. I would think that Central Dispatch would have them in their system. I'm not sure what you're talking about pizza deliveries and Fed Ex and stuff like, I don't—

President Musgrave: The GIS Department does work very closely with Central Dispatch, and when roads are brought in for subdivisions, they are captured as soon as they can be captured. It might be best if we asked Matt Arvay what they are doing to make sure that there are no gaps. But maintaining the streets database, which is what this is, is something that goes on everyday. Map companies routinely contact the city, it's the Water Department where this is resident, and obtain copies of those. They are charged for them, it's not a very big charge, but it is available for mapping companies who want to obtain those. Of course, I know we're still working with aerial photos from the year 2000, but the streets layer is kept up to date on a routine basis.

Commissioner Shetler: Alright, thank you.

President Musgrave: Commissioner Nix, did you make that motion?

Commissioner Nix: I have not yet. No, I'm sorry, I interrupted Commissioner Shetler before we did that. I will make the motion though.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

County Highway

President Musgrave: I understand that Mr. Duckworth has a request regarding this very same road that we accepted.

Mike Duckworth: I think I have....Mike Duckworth, County Highway Superintendent. I think I had provided some of this documentation. Here are a few that I have left. Madelyn needs one. Here you go. It seems ironic that as soon as the county accepts it, I'm here to close it. But only a temporary situation. We received a

request from Regency Properties to temporarily close portions of Columbia Street and Cross Pointe Boulevard on Tuesday, August 15th from 8:30 a.m. to 10:00 a.m. for a ground breaking ceremony to accommodate parking and visitors. We're told that one of those visitors may be the Governor or someone from his staff. I've sent my staff out to investigate this, and it appears that, at this point in time, in that area that they are wanting to be closed, that it would cause no traffic problems, and lack of access to the businesses and those kinds of things. So, at this point in time I would request the Commission to approve this please.

Commissioner Nix: Just curious, when you sent staff out, did you actually have a chance to talk to businesses in the area there at all? I'm just wondering—

Mike Duckworth: There's not any.

Commissioner Nix: Well, yeah, but, I mean anything that's adjacent? Nothing close to it.

Mike Duckworth: No, the only thing close has a driveway that the employees would be accessible to get into. So, I don't believe this will cause a problem.

Commissioner Nix: But, you actually didn't talk to anybody then?

Mike Duckworth: No.

Commissioner Nix: Okay.

Mike Duckworth: I would say this to you, that I've talked to the Regency folks, and they will have folks out there assisting with traffic, and I think it will be a smooth transition. We'll set up the barricades that morning, and take them down as well.

President Musgrave: Have you already said which day and time this is to take place?

Mike Duckworth: I don't know. It's Tuesday, August 15th from 8:30 a.m. to 10:00 a.m.

President Musgrave: Okay. Is there a motion to close the road for that stated date and time?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Mike Duckworth: Just one thing, I don't know if Pat mentioned it or not, but just to give you a brief update on our paving efforts. Of course, it's extremely warm out there, and we are in our vacation season, and what that means is less employees to haul mix and operate pavers and those kinds of things. Of course, we're approaching school and we're trying to get as many county roadways completed prior to the time that school buses will be traveling on them. So, we would ask county residents to be patient with us. We do, Pat's department has now got the Old State Road bridge open, and Darmstadt Road and many of the other roads that are

on the paving list are being completed as we speak. We're trying to get as much done as we can, and accommodate motorists in the very best way that we can. But, progress has it's costs, and we would ask county residents to be patient with us.

Commissioner Nix: As far as a percentage-wise on paving, where do you think you are at?

Mike Duckworth: We're right at 50 percent.

Commissioner Nix: Fifty percent? Okay.

President Musgrave: Thank you, Mr. Duckworth.

Mike Duckworth: Uh-huh. Thank you.

County Attorney

President Musgrave: Mr. Ziemer, you have bid openings.

Ted C. Ziemer, Jr.: Yes, I do. For the tandem trucks, the bid of Freightliner is \$112,256. Elpers bid is \$119,171.30. For the Stringtown Road bridge there's only one bid, and that's CCC of Evansville in the amount of \$10,866.29.

Commissioner Nix: I move we take these bids under advisement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Ziemer, do you have anything further?

Ted C. Ziemer, Jr.: I do have, thank you. I think you have in your packets, at least I've prepared a new county ordinance CO.08-06-016, regarding abandoned vehicles, which simply corrects a storage figure that was in the original ordinance that we'd passed to show that the storage charge is ten dollars per vehicle per day, and not five dollars.

President Musgrave: Do we need to have that on a first reading?

Ted C. Ziemer, Jr.: It is, actually, it was prepared to be done waiving second reading and approving it on first reading.

President Musgrave: Okay, is there a motion to waive the second reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Is there a motion to adopt the final ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: No, Ma'am.

New Business

President Musgrave: Any new business?

Old Business

President Musgrave: Any old business? I want to update you on the economic development workshop that we're planning for the morning of August 31st at the Centre. We received the good news yesterday that Lieutenant Governor, Becky Skillman, has accepted our invitation to be the keynote speaker at that luncheon. We will, we've also had confirmations from a couple of other presenters, the Department of Local Government Finance will be sending Michael Dart, their attorney, to present regarding local property tax abatements that are available. And several other people have come. So, it looks like it's really shaping up, and I know that Marissa and I will be meeting with members of the Chamber and Vision-e and others to develop our mailing list. So, if you have some suggestions about groups to mail this invitation and notice to, I would be more than happy to put them in the mix. Is there any other new business?

Public Comment

President Musgrave: Is there any public comment?

Consent Items

President Musgrave: We have consent items. Is there a motion to accept the consent items?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:00 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (1)	Dental Clinic (1)	County Clerk (1)
Superior Court (2)	VCCC (3)	Sheriff's Office (4)
Prosecutor (1)	Knight Assessor (1)	

Travel Requests:

SWCD (1)	Health Department (1)	Treasurer (2)
----------	-----------------------	---------------

Commissioners:

Letter in Support of Indiana Plan Construction Training Program.
Amended City/County Red Cross Blood Drive Letter.
BKD: Engagement Letter (Centre Budget Review)
Integra Investment Management Agreement: Burkhardt/Green River Road
7/25/06 Department Head Meeting Notes.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave

Bill Fluty

Madelyn Grayson

Pat Seib

Others Unidentified

Bill Nix

Ted C. Ziemer, Jr.

James Smith

Steve Craig

Members of Media

Tom Shetler, Jr.

Marissa Nichoalds

Steve Gossman

Mike Duckworth

**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
AUGUST 8, 2006**

The Vanderburgh County Board of Commissioners met in session this 8th day of August, 2006 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 Board of Commissioners of Vanderburgh County for August 8, 2006. It's 3:30, and we'll begin with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you join me, please, in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the August 1, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of August 1st?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Permission to Advertise: APA-041-2007: Road Salt

President Musgrave: Action items, Purchasing, request permission to advertise for bids for city-county road salt, APA-041-2007. Does anybody have any comments about this? Okay, is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Open Bid: VC-50-2006: Storage Building Construction:
County Highway**

President Musgrave: Purchasing asked for permission to open the bid, VC-50-2006, the storage building construction for the County Highway Department.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Award: VC-14-2006: Tandem Trucks with Multi-Use
Heavy Duty Dump Body & Cab Controls: County Highway**

President Musgrave: Purchasing seeks permission to award bid VC-14-2006, tandem trucks with multi-use, heavy duty dump body and cab controls. To whom are we awarding this bid?

Commissioner Nix: Mr. Duckworth's here.

President Musgrave: Mr. Duckworth from the Highway Department is here.

Mike Duckworth: Commissioner Musgrave, members of the Commission, Mike Duckworth, County Highway Superintendent. We received the bids last week, and after Debbie Spalding and Ruth and I have looked over these bids, we would ask the Commission's approval to accept the low bid, which is Freightliner, for the purchase of at least one. Mr. Nix and I talked about it today, and we'll look for other funds to possibly get another, but at this time one is fine.

Commissioner Nix: That bid was in the amount of \$112,256.

Mike Duckworth: That's exactly right. That's Freightliner and Deeds, because there's two entities, one provides the chassis, one provides the bed. So, it would be Freightliner/Deeds.

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second. Mike, there's money in the budget–

Mike Duckworth: Yes.

Commissioner Shetler: –for this?

Mike Duckworth: For one, yes, and if we would go to a second one, I would have to discuss that with the Commissioners and the Council. But, at this time we're just going for one.

Commissioner Shetler: How much total money was appropriated? Or how much do we have left to do this?

Mike Duckworth: We have \$159,000.

Commissioner Shetler: Okay, so, in rough figures you would need another \$70,000 to get an additional one?

Mike Duckworth: Yes, and possibly by the end of the year, depending upon how we deplete our other accounts, we may look to transfer some monies, if possible.

President Musgrave: Okay.

Commissioner Shetler: Alright, thank you.

President Musgrave: We have a motion and a second. Any further discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p>Permission to Award Quote: VC06-08-01: Stringtown Road Bridge Debris Removal</p>
--

President Musgrave: County Engineer, permission to award quote, VC06-08-01, Stringtown Road bridge debris removal. Mr. Stoll, I had a question why we were having bridge debris removal at all?

John Stoll: We've had an ongoing problem out on Stringtown Road for a number of years where debris just snags on those piers on that bridge, and given the difficulty associated with getting to it, the County Highway crews aren't able to remove that debris.

Commissioner Nix: It's underneath on the flow line below the bridge is where the debris actually is.

John Stoll: Right.

President Musgrave: Okay. To whom are we awarding this?

John Stoll: CCC of Evansville for \$10,866.29.

President Musgrave: Okay, 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. Thank you.

**Second/Final Reading of CO.V-08-06-002:
Ordinance to Vacate Woehler Dr./PUE & Drainage Easement (VIP)**

President Musgrave: CO.V-08-06-002, amended ordinance to vacate platted easements and public way or place. This is the second and final reading for the vacation of Woehler Drive in the VIP. Is there anyone here to discuss this, make comments? Is there a motion to pass?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Show the motion as carried.

**Second/Final Reading of CO.08-06-015:
Disability Services Advisory Board Ordinance**

President Musgrave: Final reading of CO.08-06-015, the Disability Services Advisory Board. Is there anyone here to speak to this ordinance?

Ted C. Ziemer, Jr.: Only to comment and say that the city has amended their ordinance regarding membership and reporting to be identical to the one before you today.

President Musgrave: Is there a motion to pass on the second and final reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Show this passed.

<p>Second/Final Reading of CO.08-06-014: Weed and Abandoned Watercraft Ordinance</p>

President Musgrave: Next, we move on to CO.08-06-014, weeds and abandoned watercraft ordinance. This is the second and final reading. Is there anyone here to speak to this ordinance? I see no one. Is there a motion to adopt it on second reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: We have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Show the motion, the ordinance as adopted. I have one question for our attorney on this. You said at our first reading, or perhaps the meeting before that, that the city did not have a watercraft ordinance?

Ted C. Ziemer, Jr.: I didn't think so.

President Musgrave: Okay, so, if we have adopted a watercraft ordinance, does that apply then to the entire county?

Ted C. Ziemer, Jr.: Yes, my opinion would be that it does. If the city has no ordinance speaking to that subject at all.

President Musgrave: Okay, so, folks inside the city who are concerned about an abandoned boat can follow this ordinance?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Alright. Thank you.

Commissioner Shetler: Let me, real quickly, since we're dealing with weeds and Mike's still here, I do want to just mention that last week we were on our way up to

Crane, going down Lynch Road and noticed that the weeds and stuff were getting a little high on Lynch, and gave Mike a call and he did get to that right away. I just want to tell him thanks, appreciate that effort, getting that all done out there. It does look a whole lot better. So, I think it's important if we're trying to address the weed problem, that particularly along county highways and roads and stuff like that, and right-of-ways, that we deal with what we can. I know, Mike, with the amount of increased streets and stuff that we've accepted over the past several years, the manpower gets stretched, but I appreciate the effort that you've made there and stuff. It looks good. So, thank you.

President Musgrave: I would like to say that I appreciate your willingness, and your department's willingness to take on the additional responsibilities to move the weed complaints through the entire process, from the beginning part to the end. I know there will be some new technology come along with that, that the city has been working for a little over a year or so to adopt a complaint tracking system, and you'll be putting that complaint tracking system in place, I guess, shortly. My understanding is maybe before the end of the year, Matt?

Matt Arvay: We're getting to that phase where we'll start developing.

President Musgrave: He's indicating that it's going to be rolled out, and this will allow us all to log on and see where these complaints are in the process, not only for the Highway Department, but for some city departments as well. So, I do appreciate you taking that on. I know that there are some differences, although we haven't explored them fully, between the city's approach to weeds and the county's approach. So, I would encourage people if they have high weed complaints in the county, you can continue to call the Building Commission, if that has been your custom, but you can also now call the County Highway Department. So, thank you very much for that.

County Engineer

President Musgrave: Next, we move to department head reports. John Stoll, the County Engineer has some sidewalk waivers, among other things.

John Stoll: I received a request from Andy Easley Engineering for a sidewalk waiver in Chadwick Estates Subdivision. This is located off Peck Road, out adjacent to Kingsmont Subdivision. For Chadwick Estates they have requested a complete waiver of all sidewalks, and I would recommend approval of that waiver.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: I have a question. Where is Chadwick Estates located again?

John Stoll: Off Peck Road, west of Kingsmont Subdivision.

President Musgrave: Okay. Because I saw a subdivision coming forward where it's being recommended that they have sidewalks. I want to make sure I don't waive them. That's the one behind Oakhill School, I think it is.

John Stoll: That doesn't ring a bell, off the top of my head.

President Musgrave: Alright, we have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other sidewalk waiver request is for Chadwick Place Subdivision. This is adjacent to Kingsmont as well. They are requesting a waiver of all sidewalks, except those on Parmerly Drive. Parmerly Drive is an extension of the street that already exists in Kingsmont that ties into Chadwick. There are sidewalks already on Parmerly in Kingsmont, so this is a continuation just to terminate those sidewalks at an intersection. Other than that, all sidewalks would be waived. I would recommend approval of this waiver as well.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other item I have is a request for approval of a right-of-way engineering and acquisition services agreement with Clark Dietz, Incorporated for the Green River Road and Millersburg Road intersection project. This is in the amount of \$207,000. I've reviewed it and the County Attorney has reviewed it and we're both satisfied with the agreement. So, I would request approval of that agreement.

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second. A question, just to clarify, Clark Dietz was the engineering firm that did the study on the Green River—

John Stoll: The design.

Commissioner Shetler: —Millersburg? So, this is just a continuation of the same firm—

John Stoll: Right.

Commissioner Shetler: —just extending extra work and stuff? Alright. Thank you.

President Musgrave: We have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

Commissioner Nix: Thanks.

John Stoll: Thanks.

County Attorney

President Musgrave: Do any of the other department heads here have reports? Mr. Ziemer, I believe it's yours.

Ted C. Ziemer, Jr.: I have all kinds of reports. First on the storage building, the bids, Empire Contractors, \$161,750; ECI Construction, \$118,500. Mr. Duckworth, are you going to take these?

Commissioner Nix: I make a motion we take the bids under advisement.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Okay. I have a contract to be entered into between the county and the DADS program. It's similar to a contract we entered into in 2005, except it's with a different instructor, and the contract price is \$25 more per five sessions than it was last year. It's satisfactory for execution from a legal perspective.

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.: Okay. I have a, the Health Department received a grant earlier, which was approved by you, for Childhood Lead Poison, and we now have an amendment to that grant, which will increase the amount of the grant by \$581, to a new total of \$22,746. That amendment is satisfactory for execution from a legal perspective.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Mr. Ziemer, to the best of your knowledge, there's funding in place for all of these?

Ted C. Ziemer, Jr.: Well, the grant, of course, is money coming--

President Musgrave: In.

Ted C. Ziemer, Jr.: –to the county. I'm told that there is for the DADS agreement that we just approved.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Okay, the next is a series of documents, and I'm just going to outline briefly for you what the process is. The county, well, let me first say that the city and the county are both interested in acquiring a new telephone system. The city is going to purchase its telephone system. The county, after consultation with County Council and County Commissioners, or a County Commissioner, it was indicated that perhaps it would be better if we considered leasing the equipment on a lease/purchase basis, rather than spending the entire amount of money up front to purchase the equipment. The way it will work, if this is all approved by the Commissioners, would be that an outfit called Key Government Finance is going to finance the purchase of the equipment through...well, the equipment, the installation of the equipment, a three year maintenance for the equipment, and the delivery of the equipment. They will finance all of that under a master lease/purchase agreement, which would be entered into between the county and Key Government Finance. Under that agreement, Key Government Finance would advance, roughly, there's some cents involved, but \$329,000 for the purchase, delivery, installation and three year maintenance of the necessary equipment for the new telephone system in the county. The county then, under this agreement with Key Finance, would agree to lease that same equipment for \$329,000 from Key Finance, and in return for that would make lease payments over a period of 30 months. No, no, excuse me, over 60 months. The first 30 months of payments would be for \$8,535, and the remainder of the payments would be for \$4,754. Of course, the payments include interest, which is how Key Finance gets back the money that it's advancing so that we can buy the equipment. We're asked to consider entering into a master lease/purchase agreement with Key Finance, and then some subsidiary documents regarding that purchase agreement. There's a document which describes the equipment being purchased, there's another document describing the installation of that equipment, there's a document describing the interest payments to be made, the payments to be made, and the manner of requisitioning the payments. Then, finally, there's a document under which the \$329,000, which is being advanced by Key Finance, would be paid to another entity of Key Bank, as escrow agent. The escrow agent would hold the \$329,000, and they will advance proceeds from that amount against requisitions for payment issued by the county as the system is being received, delivered and installed. We have forms to accomplish that at the appropriate time. The equipment is being acquired from Cisco Systems in a relationship with Keller Schroeder in Evansville, and, so the payment from this escrow account will go to Cisco and Keller Schroeder for the purchase of the equipment. The equipment is going to be installed by an outfit called Berbee Information Networks Corporation. They are going to install the equipment for \$62,500. That installation fee will also be paid out of the escrow account when the installation is completed. So, that's the Key documents. Then, we have an agreement, which you have before you, to be entered into between the county and Berbee Corporation. This is kind of a master agreement which would cover any future acquisition of either product or services from Berbee Corporation. Right now the only thing that we're acquiring from Berbee are services in the form of the installation services for the equipment that's covered by the Key Financial agreements. So, you'll have before you to sign a master

agreement with Berbee, it has no financial consequences at all, other than having in place a document under which we can acquire equipment or service, I mean, product or services from Berbee in the future. Then, there is another document to be entered into between the county and Berbee, which is called a statement of work. Under the statement of work it spells out that initially the work to be done by Berbee for the county is the installation of the telephone system that we're acquiring from Cisco and Keller Schroeder, and that they will install that for \$62,500, which is the amount that's going to be reimbursed by the escrow agent to Berbee after they complete the installation. Finally, to complete the installation, we need some assistance from AT&T, and, let me see here where I've got that agreement. Yeah, it's an AT&T network services agreement, and that agreement is going to be entered into between the city and the county, and under the terms of that agreement in return for these network services that we'll get from AT&T, the cost for that will be \$1,695 per month, which will be split equally between the city and the county, or \$847.50 per month for a period of 36 months. In addition to that there's a non-recurring charge of \$6,600, which is being waived by AT&T. As to funds being in place, under this whole plan, the first payment to be made to Key Finance is not due until March the 8th, if this is approved today, until March 8, 2007 in the amount of \$8,535.55. Subsequent payments will be made in that same amount throughout the remainder of 2007. So, January, February, March we need, there has to be appropriated ten times \$8,535.50, which is roughly \$85,355 for payment of those lease payments throughout 2007. I have no idea whether it's appropriate, will be appropriated or budgeted or not, though I am informed that if the County Council appropriates a telephone budget similar to the telephone budget that they have appropriated in the past with savings that are going to result from this new telephone system over what we were paying for the old telephone system, there should be funds available to make these payments, plus the payments that are required to be made to AT&T under the networking agreement with them. Having said that, I told you about everything I can about these documents, and you have them before you for execution today, and I would be happy to try to answer any questions you might have.

President Musgrave: Bottom line, city and county are getting a new phone system. The city is paying cash for theirs and we're lease to purchasing ours. This phone system, if I remember the conversations I've had with CIO Matt Arvay, is now taking us from an analog world to a digital world.

Ted C. Ziemer, Jr.: You just lost me.

President Musgrave: We'll be able to do things with our phone system that we don't currently have the capability for. Simple things like an employee moves from this desk to that desk, their phone number gets to go with them, and the CIO staff will be making those changes. We will no longer call our phone service provider, whoever they may be, and wherever they may be. We will be able to do things like have everybody's phone, everybody's phone have, be capable of taking voice mail. We will be able to forward voice mail from person to person, which we cannot do at all now. We will be able to track calls. We'll be able to find out what number called you, what numbers you are calling. We'll be able to log all of those, if we so desire. So, there's a great deal more accountability with this phone system. If I remember everything you told me, Matt, this one's less expensive. We're going to be actually saving money. So, doing more and saving money. Matt, unless you have anything that you would care to add to this.

Matt Arvay: I think you covered it.

President Musgrave: Okay.

Commissioner Nix: I'm just curious, the interest rate, do you know what that is that we would incur?

Matt Arvay: 4.77.

President Musgrave: 4.77?

Ted C. Ziemer, Jr.: What is it?

Matt Arvay: 4.77.

Ted C. Ziemer, Jr.: 4.77.

President Musgrave: Is there, are there any further questions or comments?

Commissioner Shetler: Well, yeah, along those lines, did we, I know that you, I assume that you sought competitive bids on the hardware itself?

Matt Arvay: Yes, that went through an RFP process—

Commissioner Shetler: Right.

Matt Arvay: —some time ago.

Commissioner Shetler: Then what about the financing? Did we seek bids on that as well?

Matt Arvay: No. Just the hardware, the equipment.

Commissioner Shetler: This Key Finance, are they local?

Matt Arvay: No, they're a subsidiary of Cisco, if I'm speaking that correctly. They are closely affiliated with Cisco.

Commissioner Shetler: Okay, and, so, because that 4.77 does seem to be a good rate for that short period of time. Although, being a county there may be some tax savings that are had there as well, I would imagine.

Matt Arvay: There was another local group that, I can't recall their name off the top of my head, but they could not compete with that rate.

Commissioner Shetler: Okay, so we did check that out to make sure that—

Matt Arvay: Yes. I mean, I didn't check it through all the financing companies with the county, but there was one particular that could not meet that rate.

Commissioner Nix: Will this money be held in some kind of escrow, accumulating interest then? Is there a tradeoff on that?

Ted C. Ziemer, Jr.: Well, it's going to be held a very short period of time. This installation is estimated to be completed within the next 60 days. So, the money is going to come into that account tomorrow, and, yes, it will be earning interest in the

escrow account, which accrues to the benefit of the county. At the end of the, when all of the funds in the escrow have been paid, as appropriate, any balance remaining, because of interest, will apply against our rent payment due Key Bank.

Matt Arvay: Yeah, it won't be within the next 60 days.

Ted C. Ziemer, Jr.: Oh.

Matt Arvay: It will be more like six months.

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

Matt Arvay: We hope. I mean, three to six months.

Ted C. Ziemer, Jr.: Well—

Matt Arvay: 60 days is very aggressive.

Ted C. Ziemer, Jr.: I don't know. We've got this installation period of time that you and I have talked about, and I understood it was...actually, I didn't understand that it was going to take six months.

Matt Arvay: Well, I don't think it's going to take six months, but that's why we asked for a six month deferment, to buy us that time.

Ted C. Ziemer, Jr.: Right.

President Musgrave: So, when will the phones arrive? The city's are arriving when?

Matt Arvay: Well, they're at Keller, with the approval they will be here within a couple of weeks.

President Musgrave: Okay.

Matt Arvay: We have the statement of work, and with the approval of the Berbee contracts, both statements of work for the city and county will be approved—

Ted C. Ziemer, Jr.: And they're ready to begin installation immediately.

Matt Arvay: Yes.

President Musgrave: Outstanding.

Commissioner Nix: What's the, what would you anticipate from start to finish, the duration of the process from the time we start this process to the time we finish it?

Matt Arvay: I think installation, three to four months.

Commissioner Nix: Okay.

Matt Arvay: There's a lot of phones.

Commissioner Nix: How many phones do we have?

Matt Arvay: You know, I—

Commissioner Nix: I don't mean to put you on the spot. I'm just—

Matt Arvay: The current, the old SBC contract that we're taking to the Centrex minimums, and, I mean, they're like, I wish I had it.

Commissioner Nix: That's alright. That's fine.

Matt Arvay: Everything in the Civic Center, the Courts Building, everything is down here, as well as a few, at your determination, offsite locations would be (Inaudible).

Ted C. Ziemer, Jr.: Matt, I just do want to ask you one question, because I want to be sure. It's the, I probably won't be able to find it now, the document, but it's this period during which we must get it installed, 15 percent within the first—

Matt Arvay: Yeah, we talked about that.

Ted C. Ziemer, Jr.: You assured me that that was not going to be a problem.

Matt Arvay: Yeah, that was actually the—

Ted C. Ziemer, Jr.: If it were, we'd have some arbitrage problems.

Matt Arvay: You had mentioned there is a percentage of the money that had to be spent, or acquired, and with all the equipment being the majority of that money, which will be here within two weeks, that will cover that 15 percent quite easily. Out of the \$329,000 there's over \$200,000 in equipment.

Ted C. Ziemer, Jr.: Yeah, okay, just bear with me a second. Talk about something else.

Commissioner Shetler: While you're looking for that, Mr. Ziemer, maybe I did have another question. On the AT&T side of it, you said that money is going to be split between the city and the county?

Matt Arvay: Yes.

Commissioner Shetler: Do we have the same amount of phones?

Matt Arvay: No, what they are is the connectivity pipes—

Commissioner Shetler: Right.

Matt Arvay: —if you will, for the corporate offices of SBC.

Commissioner Shetler: Okay, so it's not by unit or anything like that?

Matt Arvay: No, what we're trying to anticipate is the quantity of calls that would go through those pipes at any one time.

Commissioner Shetler: I'm assuming this is going to be like at the Sheriff's Department, the County Highway, and all the other—

Matt Arvay: Well, the Sheriff has their own identical type system, but on a smaller scale right now. What I will be doing is hopefully working with the Sheriff and talking about what we call clustering the system. Currently they don't have any fail over as far as redundancy in their phone system the level of what we're doing here. There is a way we could take advantage, or offer them to cluster with us, in case they have a failure out there, they could roll over to our core components here.

Commissioner Shetler: Alright, thank you.

Ted C. Ziemer, Jr.: I guess, I was thinking ahead for the 60 days. What it says is;

“15 percent will be completed at least within six months. 60 percent will be completed at least within one year, and 100 percent at least within 18 months.”

And you're saying it's all going to be done in three or four months, so we're well ahead of that game.

Matt Arvay: Worst case scenario, the six month deferred that we worked out.

Ted C. Ziemer, Jr.: Thank you.

President Musgrave: Okay.

Matt Arvay: Thanks.

President Musgrave: Is there a motion to approve all the contracts and documents that Mr. Ziemer outlined?

Commissioner Shetler: Could you repeat it?

President Musgrave: Yes.

Commissioner Nix: Could you go over that one more time?

Ted C. Ziemer, Jr.: No, I can't, but Madelyn has them.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We would like to have our new phones right away.

Matt Arvay: Okay.

President Musgrave: Great. Ted, did you have anything further?

Ted C. Ziemer, Jr.: No.

President Musgrave: Mr. Rector?

Dave Rector: Good afternoon, Commissioners, Dave Rector, Building Authority. Just wanted to update you, we received our quotations, bid requests in on the signage for the Centre last Friday. We had sent out requests to Alvey's, Ad Craft and Custom Sign. Alvey's did not respond, Ad Craft's response was incomplete, which leaves us with Custom Sign. For four signs, each one being \$9,698, for a total of \$38,792, fully installed, electrical and everything. I would recommend to our board that we award that to Custom Sign, once we get the variance from the BZA, because of the way the Centre is zoned, it's CO-2, it only allows 200 square foot of signage. We are currently at 154 square feet, so we will go over the signage. We submitted the variance request yesterday. That will be on September 21st when that's approved, then I'll get in the order and we can get going.

President Musgrave: You mean, if that's approved. We don't want to anticipate.

Dave Rector: I'm thinking positively.

President Musgrave: So, is there a motion to award the bid to the low bidder, pending our successful application at the Board of Zoning Appeals?

Commissioner Shetler: You said Ad Craft had not completed?

Dave Rector: They submitted a bid for signage only, not installed.

Commissioner Shetler: Okay.

Dave Rector: Our bid request was for a turnkey project, all electrical requirements, installation provided, and theirs was for signage only, and noted, specifically, price does not include running necessary electrical. Custom Signs was for the complete installation.

President Musgrave: That's very attractive. 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.

Dave Rector: Thank you all.

Commissioner Nix: Thanks.

President Musgrave: And, you and I had toured the Centre, after some complaints were made regarding rug cleanliness, painting on the floor surfaces, and maybe there were a couple more, but I don't remember them. Would you like to give an update on one of those projects?

Dave Rector: We've done quite a bit over there from a housekeeping standpoint. We've gone through and totally painted the exhibit hall, a bunch of the corridor, a bunch of the upstairs concourse, the floor in the auditorium where it was peeling up we scraped and painted that, all in the back where the paint was peeling up in the corridors. We didn't repaint that, what we did was a polished, concrete system, Commissioner Nix may be familiar with, and it really looks nice now. We're about finished with it. We have found some surplus carpet that matches what was laid initially, we're going to get that stripped in and spliced in somehow to make it more attractive. The dressing rooms are complete, that we did a couple of months ago. The next project coming in, the bids are due this Friday, will be the meeting notification system, and I think we're pretty well coming down to all of our CIP items. The pipe and drape system is in, the furniture is in. The ice tea pitchers and silverware, those things, they've got a term for them, but that's all in. So, we're moving along real well on those projects you all approved earlier in the year.

President Musgrave: Okay. Glad to hear it.

Commissioner Nix: While you're at it, if you could just give us an update on the maintenance facility out at the new jail?

Dave Rector: It's moving along.

Commissioner Nix: Okay.

Dave Rector: The roof was put on yesterday, and is near complete, the electrical's being run, we should be in there in another month.

Commissioner Nix: Good. Thank you.

President Musgrave: In case somebody asks at Council tomorrow, we are still paying rent on the old jail—

Dave Rector: Yes.

President Musgrave: —and you were going to do some preliminary bid work for demolition, where does that stand?

Dave Rector: The bid package for that is near completion, was put on hold due to a couple of meetings that Commissioner Nix, Chief Williams and I have had with the judges regarding possibly totally abandoning that area for holding cell purposes and building a new holding cell/sally port area. We met again yesterday with the judges, they approved and liked what they've seen. Commissioner Nix and I need to meet to review that. If that's the case, we can totally leave that holding cell area up there, and then that area could be used for part of the new, proposed expansion. So, we put the other project on hold until this decision was made, and once we get through that, I'll be coming to you to give you an update on what the next step might be.

Commissioner Nix: One of the alternates was to utilize a small portion of the space here, a secure space, and the bridge going across, and that looks like now that's not necessarily the best scenario. So, I think what we've come up with is something that's going to work better for transportation of inmates and security. I think it's something the judges, and I personally like myself. That's keeping everything over on that side.

Dave Rector: Well, what we got into approximately forty years ago when the building was built, I don't think there was any thought that the jail would be moving, that the piping is all connected, the sanitary. We try to disconnect this area, it's still connected to that, the electrical circuitry. We've since found out that the heating and ventilating on the second floor of the jail actually feeds the first floor of the building. The third floor of the jail feeds the second floor, and trying to just isolate that one area for holding purposes was not fitting real well. Let alone, the problem that you're all aware that we've had in the past with flooding, so.

President Musgrave: Well, I know that top of Council's mind will be, "Well, that's wonderful. So, are you coming back for money next year?" The money part is what will be their curiosity. Do you have any indications on that?

Dave Rector: I really think it would probably be inappropriate to try to start talking money at this point—

President Musgrave: Okay.

Dave Rector: —without any engineering estimates or bids. Because—

President Musgrave: It's too soon to talk about money and project time lines?

Dave Rector: It's too soon to talk about money.

Commissioner Nix: And from a timing standpoint, and we discussed this over the last few months, we wanted to wait and give it some time to see how this transportation thing was going to work out before we really could pin down what the needs were going to be for the Sheriff's Department, for transportation, and I think we've done this enough now and we've got video arraignment up, and now we know the right moves to move forward with this. So, I think it's prudent that we waited until now to do this.

President Musgrave: Okay.

Dave Rector: It's somewhat of a cumbersome process, but I think we're going about it in a procedural way.

President Musgrave: Alright.

Dave Rector: Thank you.

Commissioner Nix: Thanks.

President Musgrave: Thank you.

New Business

President Musgrave: Is there any new business?

Old Business

President Musgrave: The only old business that I have, if the Commissioners have any others, to say that your staff has worked very hard today to finalize and put stickers on 1,400 envelopes?

Marissa Nichoalds: Roughly.

President Musgrave: To get our invitations for the Southwestern Indiana Economic Development Workshop, that's what we're calling it now, which will be held on August 31st in the morning over at the Centre. I would also like to thank Aztar, Aztar donated some graphic arts production work, and I believe they're also going to do the printing at no charge, in order to have this economic development workshop. Again, the public is invited. Lieutenant Governor, Becky Skillman is coming to be the keynote speaker at lunch. The workshop is free, and the lunch will cost \$17. I understand that SMG is not even making any money off of it. They cut their prices to the bone to deliver a good meal. We'll have to have reservations if you intend to come for lunch. It would be nice to have your reservation to come to the workshop, so that we know how many handouts to make copies for. So, again, this is done, it's going to go out in the mail probably tomorrow. I would like to thank the staff and Aztar for all of the help that they've given me. And several other people too. Let me not forget Connie Fowler of the Indiana Economic Development Commission Southwest Region, Jim Holderread, the acting director of Vision-e, and Ron Keeping at Vectren, their economic development director, they have joined me as a committee to put this together. So, I thank them for that. I put you two on a panel at 11:30, along with Lloyd Winnecke, the County Council President. We've asked the Mayor, the Mayor will either come or send someone. So, we're going to have a good turn out, and there's several other speakers as well. So, I thank you. Look forward to seeing everybody. Any other old business?

Public Comment

President Musgrave: Any public comment?

Consent Items

President Musgrave: Is there a motion to adopt the consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: We are adjourned.

(The meeting was adjourned at 4:08 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (1)

VCCC (4)

Auditor (1)

Sheriff Office (2)

Surveyor (1)

Travel Requests: Health Department (2)

Commissioners:

American Medical Response: Quarterly Report: 2nd Quarter 2006

Department Head Reports:

Burdette Park

County Engineer

County Highway

Ozone Officer

Supt. Of Bldgs.

Veterans Service

Those in Attendance:

Cheryl Musgrave

Bill Nix

Tom Shetler, Jr.

Bill Fluty

Ted C. Ziemer, Jr.

Marissa Nichoalds

Madelyn Grayson

Mike Duckworth

John Stoll

Matt Arvay

Dave Rector

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
AUGUST 15, 2006**

The Vanderburgh County Board of Commissioners met in session this 15th day of August, 2006 at 3:32 p.m. in room 301 of the Civic Center Complex with Vice President Bill Nix presiding.

Call to Order

Commissioner Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, August 15, 2006 at 3:32. First, introductions to my right.

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'll join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the August 8, 2006 Commission Meeting Minutes

Commissioner Nix: First item on the agenda is approval of the prior minutes.

Commissioner Shetler: So moved.

Commissioner Nix: I second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

**Permission to Advertise Notice of Public Hearing:
Vacation of 15' Public Utility Easement at 501 Metro Avenue**

Commissioner Nix: The next item is action items, County Auditor, permission to advertise notice of public hearing. This is a petition to vacate 15 feet of public utility easement at 501 Metro Avenue.

Madelyn Grayson: The advertisement date will be Friday, August 18th, and the public hearing is scheduled for September 5th.

Commissioner Nix: Okay. I'll entertain a motion.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

Health Department: Maternal Child Health (MCH) Grant

Commissioner Nix: Next on the agenda is contracts, leases and agreements. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, the first contract is the Maternal Child Health Care Grant. This is similar to, actually it's identical to a grant like that that we received in 2005, except the amount of it is slightly less, \$142,067, instead of \$151,135. It runs from October 1, 2006 through September 30, 2007, and it's satisfactory for execution.

Commissioner Shetler: Motion to approve.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

**Supplemental Agreement: Beam Longest & Neff:
Traffic Signal Design Services: Green River Road & Lynch Road**

Ted C. Ziemer, Jr.: We have an existing agreement with Beam Longest to do some consultation work for construction specifications, John, for what project?

John Stoll: The supplemental agreement is for the Green River Road and Lynch Road intersection design project. The original agreement did not include any traffic signal design services. Once the project was designed, it basically required a total replacement of the traffic signal. So, that's what the supplemental is for, to cover the—

Ted C. Ziemer, Jr.: And it adds an additional \$6,000 to the cost of the agreement, and its' satisfactory for execution.

Commissioner Shetler: John, I was out there today, and I noticed that we are doing, apparently, some shoulder type of work along Lynch Road, that would be east of Green River Road, that would be kind of like the right turn lane off of that far side there.

John Stoll: Right.

Commissioner Shetler: I guess, that's all part of the whole improvements. For some reason, I had understood it to be more within the, I guess, the south side of Lynch Road where the majority of the work, or all of the work was going to be going.

John Stoll: There are turn lanes being added on the east, west and south legs of the intersection, and also a raised median being installed on the south leg. The traffic justified adding the turn lanes. So, in conjunction with the work on the Green River Road approach, it was, this was the appropriate time to go ahead and add the turn lanes on Lynch as well.

Commissioner Nix: I had spoken to Mr. Stoll the other day about the turn lane coming south on Green River into the—

John Stoll: Davis Lant Drive?

Commissioner Nix: —Davis Lant, that now that the light on Lynch is in place, that there won't be any left turns into....that's Davis Lant, is that correct?

John Stoll: Correct.

Commissioner Nix: The left turn would have to be done at the next, not intersection, but turn lane.

John Stoll: It actually lies immediately north of the bank—

Commissioner Nix: Yes.

John Stoll: —in the shopping center.

Commissioner Nix: Is there a name for that?

John Stoll: No, it's a private access road.

Commissioner Nix: I was going to say, that left turn, right now there's not really a left turn there at all, which, I guess, in just a few days that will go away. There will either be some delineator posts or—

John Stoll: We've got "No Left Turn" signs requested. I haven't talked with the contractor as of yet as far as trying to see where he is in his schedule to try and block the left turns without having to go to the expense of adding the delineator posts.

Commissioner Nix: Right.

John Stoll: So, if they can give me an approximate schedule, their work might eliminate the need for delineators.

Commissioner Nix: Yeah, that would be great if they could do something temporarily. Then, also coming out of, from that drive, right turn only, then. There won't be any left turn on to Green River headed south then?

John Stoll: Correct.

Commissioner Nix: Okay.

John Stoll: And, the sign, the work order for the signs for no left turn for westbound traffic exiting Davis Lant Drive, and no left turn for southbound traffic on Green River to enter Davis Lant has been requested. I'm not sure if they're up as of yet, but we've put in that work order. So, we're trying to get that taken care of.

Commissioner Nix: Okay.

Commissioner Shetler: How many feet further south will that island go beyond that Davis Lant Drive?

John Stoll: It will run to approximately the south line of Heritage Park Subdivision, because the settlement agreement didn't allow for blocking the drive immediately north of the bank, we had to end up providing a small left turn lane. So, that way the people who are turning left into that drive wouldn't be turning left out of a through lane on Green River. So, there's probably a hundred foot left turn lane for southbound traffic, and the remainder of it will be left turn lane for northbound traffic, but the median runs that entire distance all the way down, approximately to that bank entrance.

Commissioner Nix: So, the median will probably go about as far as the hash marks are now, and then it would come into a left turn lane then, is that right?

John Stoll: Right.

Commissioner Nix: Because the hash marks go on beyond the delineator cones now.

John Stoll: Right.

Commissioner Nix: Okay.

Commissioner Shetler: Is there anything we can do, I think it's, what, scheduled for completion, what, mid-October? Or early October?

John Stoll: It's, I believe, late October.

Commissioner Shetler: Late October? Is there anything we can do to keep that thing moving and pushing it along? Because the traffic has really been getting backed up, and I don't know if there's any kind of road, you know, mitigation plans or anything we can do on it that would help facilitate that a little bit better.

John Stoll: At this point, since there was no incentive clause in it, there's really nothing to force the contractor, but as he progresses with his work, if he gets portions of it done, we can at least get the existing through lanes that are closed opened back up.

Commissioner Shetler: Yeah, it's really been tough on Lynch. It gets backed up almost to Oak Hill Road on some mornings. It's been difficult.

John Stoll: We've gotten quite a few calls on it as well.

Commissioner Shetler: Alright.

Commissioner Nix: Thank you.

John Stoll: Thanks.

Commissioner Shetler: Thanks.

Commissioner Nix: I didn't know, if you can hold on just a second. Mr. Ziemer, do you have anything else at all?

Ted C. Ziemer, Jr.: No.

Commissioner Nix: Okay, the next item on the agenda is—

Commissioner Shetler: I think—

Madelyn Grayson: Yeah, you didn't approve it yet.

Commissioner Nix: I'm sorry.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

County Engineer

Commissioner Nix: Okay, department heads. While you're up there, save you a few steps.

John Stoll: I had two things, first, I've got a street plan for the extension of Stellar Drive. This is a road that runs east off of Schutte Road on the south side of the apartments that were constructed last year. The extension is just a little 175 foot extension of the existing asphalt road that they built last year. I've reviewed the plans and request that you approve the plans for this extension.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

John Stoll: The other item that I've got, I would like to request approval to go to County Council to transfer \$40,000 from the Stockwell Road culvert account to the St. George Road bridge account. That account number is 2030-4355. The \$40,000 is an estimate as far as design costs go for the rehab of that bridge. I would like to be able to get a design contract signed yet this year, which would allow us to get the project under construction early next year.

Commissioner Shetler: Alright, so moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

John Stoll: That's all I had.

Commissioner Nix: Just real quick, on Stockwell, there was a little bit of an issue we talked about a couple of weeks ago. Has that been resolved? I think on something—

John Stoll: Some rip rap.

Commissioner Nix: Yeah.

John Stoll: It's not been done as of yet. One of the guys in my office has been talking to the contractor. The transfer will still leave enough money in the account to take care of that, plus the remaining seeding that needed to be done to address the slopes. So, it's in the process, but we've been holding off on the seeding side of it simply because it wouldn't grow this time of year anyway.

Commissioner Nix: Okay, thank you.

Commissioner Shetler: Let me revisit that St. George bridge, whereabouts is that located? Is that on Kentucky—

John Stoll: Yeah, it's on the curve.

Commissioner Shetler: —and St. George, on the curve?

John Stoll: Uh-huh.

Commissioner Shetler: I know that since there's been no engineering done you don't know specifically the plans, how they would go about it, but would you have any idea of trying to close this thing down for a period of time while they work on it? Or will at least one lane remain open?

John Stoll: To do the overlay, it would be similar to what we did on Kentucky and Old State and close the bridge. We can squeeze the duration down as much as possible. Old State, I believe, was done in six weeks, and I believe it could have been done quicker, after seeing the progress of that job. So, to prevent having a joint right down the middle of the bridge, it really should be done in a single pour.

Commissioner Shetler: You're thinking construction on this, would it take place next summer?

John Stoll: As early as possible.

Commissioner Shetler: Possibly? Okay, my only fear here is that Diamond Avenue's next phase will be beginning not too awful far down the future, I think, probably spring time, maybe summer of '07?

John Stoll: I'm not aware of their schedules, but that's something I can check into.

Commissioner Shetler: I think, yeah, we might. I'm a little concerned, because, you know, that is used a lot to get out through 41, for people who live there on the north side. The other alternative is to go down Stringtown and Diamond Avenue. If that's pretty well botched, that would eliminate, you know, the one. So, we might want to look at that for the timing of it, if it's at all possible here.

John Stoll: One of the reasons why I wanted to try and get it going as fast as possible, as early as possible next year, with the Oak Hill and Bergdolt project on the

books, we didn't want to have that going on at the same as this St. George Road bridge either. So, there's a bunch of different projects trying to juggle schedules around.

Commissioner Shetler: We're too progressive in this county.

Commissioner Nix: Hopefully, they won't do anything more to 41 for right now either.

John Stoll: Right.

Commissioner Shetler: Thank you, John.

John Stoll: You're welcome.

Commissioner Nix: For the time being. Thank you, John. Any other department heads?

New Business

Commissioner Nix: If not, is there any new business to come before the Commission?

Old Business

Commissioner Nix: Any old business?

Commissioner Shetler: I do want to bring up, this might be a little bit underneath new business. Mike Duckworth is on vacation this week, we did meet prior to, but today we did have a news conference out at Scott School, and the purpose of it was to warn, and I would like to carry that forward and let the people out there know that school starts tomorrow. Beware, the Sheriff Department will be out in force to make sure that the safety of our children is first and foremost. We have 20 new signs that the ten county private and parochial Catholic schools that we have, that will be warning people that a school zone is coming up, so that they slow down. Because, one of the problems we have in the county is that most of the speed limits are between 40 and 45 miles an hour. You've got to reduce down to 20. In the city, you're dealing with a 30 going down to a 20, and that's not such an abrupt change in speed and stuff, but it is a pretty abrupt change when you're going from 40 or 45.

Commissioner Nix: And these new signs are put out a little bit further out in the 40 or 45 mile an hour—

Commissioner Shetler: About a quarter mile or so out in front of it to warn people that they're coming up. So, they're bright, school bus yellow signs, and fairly large kind of "in your face" type of sign. So, no one has any excuses. The Sheriff Department has told us, that will be your warning.

Commissioner Nix: Okay.

Commissioner Shetler: There will be tickets written. That is going to be your warning. So, anyway I wanted to caution people on that.

Commissioner Nix: Okay.

Public Comment

Commissioner Nix: Now is the time in the meeting if there's any public comment. Anyone who wishes to address the board?

Consent Items

Commissioner Nix: If not, I will entertain a motion to approve the consent items.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye. I would entertain a motion to adjourn.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

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

CONSENT ITEMS:

Employment Changes:

Treasurer (1)	Supt. Of Bldgs. (1)	Commissioners (1)
County Clerk (1)	Knight Assessor (1)	VCCC (4)
Sheriff Office (2)	Coroner (1)	Circuit Court (5)

Travel Requests:

Center Assessor (1)	Knight Assessor (1)	Health Dept. (1)
---------------------	---------------------	------------------

Auditor: Submit A/P Vouchers: August 2006.

Purchasing: Monthly Report: June 2006 & Six Month Report.

Commissioners:

IBAP Gatekeeper Report: July 2006.

Vision-e Monthly Report: July 2006.

Department Head meeting notes: August 8, 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Bill Nix

Ted C. Ziemer, Jr.

Others Unidentified

Tom Shetler, Jr.

Madelyn Grayson

Members of Media

Bill Fluty

John Stoll

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Bill Nix, Vice President

Tom Shetler, Jr., Member

(Recorded and transcribed by Madelyn Grayson)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 22, 2006**

The Vanderburgh County Board of Commissioners met in session this 22nd day of August, 2006 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 August 22, 2006 meeting of the Board of Commissioners of Vanderburgh County. It is 3:30, and we will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Announcement of Agenda Order Change

President Musgrave: In order to accommodate some schedules, we'll move one thing on the agenda. Immediately after the regional 2030 plan we'll hear the Women's Equality Day proclamation.

Approval of the August 15, 2006 Commission Meeting Minutes

President Musgrave: Do I hear a motion to approve the minutes of August 15th?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

Precinct Maps on County Website

President Musgrave: We begin with our action items. I would like to welcome Laura Howell, of the GIS Department, if she is here; Linda Freeman, the Chief Deputy Surveyor, if she is here. I don't see her. Robert Heiman and Tammy Barnett, you can come forward, with the League of Women Voters. Whichever one of you would like to start and talk about the project.

Laura Howell: Okay. Would you like to start? Since you requested the project, would you like to speak first?

Robert Heiman: I'm Roberta Heiman, President of the League of Women Voters of Southwestern Indiana. This project began early last year when we were co-sponsoring Meet Your Legislators, and we decided to show maps of the districts that the legislators represented. People were astounded. They gathered around these maps. They'd never seen, you know, anyway....then when the boundaries for some of the precincts were changed, and at the primary election people were going to the wrong places to vote, we did a survey. With Susan Kirk's help we distributed a survey to every one of our 131 precincts. We got back more than a hundred of the forms, which was a terrific response, and the most common single problem, perhaps not the biggest, but the most common single problem was that people were going to the wrong polling places to vote. The polling places did not have maps to direct people, they had to call the Election Office to find out. So, we thought why not prepare the maps. So, the result is this wonderful thing that we have now. We thank you very much for doing that.

President Musgrave: Thank you.

Tammy Barnett: Yeah, just to, I'm Tammy Barnett also with the League of Women Voters for Southwestern Indiana. I just wanted to echo what Roberta said, it is very nice to have the precinct maps on the website. I tested it out today, typed in my address, found the ward and precinct and then you can click and right there is the map. So, we think that's going to make it much easier for voters at the next election cycle. Our hope is to work with the Polling Place Advisory Committee and have the maps at each one of the polling places so that they'll know where to direct people to go. Thanks so much.

President Musgrave: Thank you. Laura, do you have a demonstration of it?

Laura Howell: Yes, I was going to mouse. We've got two of us.

President Musgrave: Welcome to the Chief Deputy Surveyor, Linda Freeman.

Linda Freeman: Yeah, so, sorry I was running a little late there. It's, when you're in the office it seems like that phone is always ringing. It's like, I've got to go. Linda Freeman with the Vanderburgh County Surveyor's office, and then Laura Howell with the GIS Department. We were just going to give a little demonstration of how to find the maps, and then just a little information about them, and go through there. So, we're doing it live, so, this is the way anybody else would have to go through it. So, if something happens, then those of you who have messed with computers can understand completely. So, you go to the Vanderburghgov.org webpage, and you'll see lots of information there. You can go under the government to the county, and then to the County Commissioners website, or portion of the site. Then you have

two places that you can pick it up here. You can pick it over in the left bar, or you can scroll down a little bit and catch the link for printable precinct maps. Then you'll come to a listing that, with the precincts in a PDF format, which is a portable document format, you can pick up the free Adobe reader at the very top. There's a selection of either map only, or map with aerial photos. Either of the maps have three frames on them. There we go. The frame in the upper right corner, it lists the districts, it gives you the ward and precinct number again, so you know you're in the right place. It tells you your Congressional, your County Council, your State House, your State Senate, your County Commissioner and School Board district, which are the same, and then your township. Which, in this case, it's a Center Township precinct, and it's Center Township. But, then, like if you're in the city and you need to know which township you are in, it will show you that. It gives you your poll name and location so that you know where you need to go to vote if you live within the boundaries of this particular precinct. I've also included the Voters Registration phone number, so if people have questions they can direct it to the Voters Registration office, and, hopefully get any questions that they may have about their polling location or things like that at the last minute from them. Below the district information you have a small locator map, so you can get an idea where this particular precinct is within the county boundary. Then, of course, the largest portion of the map, or the frame, that we set up on this is the precinct, and as much surrounding boundary that would fit in that frame. The main thing was that I was trying to make sure that the precinct itself was the largest portion in there. Then you do have some surrounding area, so that if someone lives, I can't tell some of the streets, but, say you live in one of the streets over here you can say, "Oh, I'm in 5-6 instead of C-2." Or you're over there in the other precinct on the left hand side, but each of the maps, whether you go to the map with aerial photo, or with the map only, they still have that same information in those particular places. In Adobe reader you do have the capability of zooming in, so like this particular area you can tell is a mobile home park, and you can zoom in fairly tight, I think, before the pixelation starts to occur. But, it's pretty interesting to see the photos behind it. Then for those people that do better with that type of representation, they can see that too. Another link on this particular page is the Indiana Voters link. It's the Indiana State registration centralized site that has all the voter information for all the registered voters in the State of Indiana. So, if per chance you want to find out if you are registered to vote, you can type in your, or select your county, and I think Laura's going to—

Laura Howell: It will be me.

Linda Freeman: So, she puts all her information in, and it's a pretty slick little deal, you can then get your voter information there. It tells you your ward and precinct, whether you're registered, and then the date of the status, which I'm assuming was when they put that information in, because I think you've registered before 2004.

Laura Howell: Yes.

Linda Freeman: Then it gives you the Voter Registration office contact information. There again, for people that may have further questions. But, with that information that she's in Ward 3 Precinct 16, she could go back to those precinct maps and actually pick her ward and precinct, and then she could either go with the aerial photo or with the map only and figure out that, yes, she does live within those boundaries and that is her voting place, Aldersgate United Methodist Church, located at 5130 Lincoln Avenue. She can print this out if she'd like, or she could save it to her hard drive on her own computer at home. She could share it with her

friends and neighbors to maybe generate a little voting action. Now the, just a little bit about the aerial photos for the folks that may want a little information on that, those are from the Indiana Geographic Information Council coordinated a state-wide digital orthophotography program, which facilitated the acquisition of state-wide high resolution photographs. That's what these photographs came from. Now, since they've been translated down to a PDF document, some of the resolution, the resolution isn't there that you would have if you actually accessed the photos from the website, the state website. But, you can tell that they do have a fair amount of resolution, even when you zoom in you can see some of the rooftop colors and things. It makes it pretty interesting.

President Musgrave: Now, these are 2005 photos?

Linda Freeman: Yeah, these were flown, oh, I'm sorry, did I say 2000?

President Musgrave: You didn't say any year.

Linda Freeman: I'm so used to the 2000's, but, yes, these were flown in March of 2005 by the state. Indiana, or Vanderburgh County was one of 12 other counties that paid for the higher resolution. We've got six inch pixel resolution for these photos. We paid a little extra, but part of the funding came from the Homeland Security grant, and, then, I guess, our EMA picked up the additional funding for the higher resolution, which, of course makes it very nice when you really need to zoom in on these.

Commissioner Nix: You said there was an area on there where you could just go in and type in an address and it would take you to the ward and precinct. Is that—

Linda Freeman: I think Tammy made that statement, and I'm not sure that's—

President Musgrave: It's on the state's website.

Commissioner Nix: Okay.

President Musgrave: You can find a polling place.

Commissioner Nix: It's on the state's site? Because I'm sure there's a lot of people that that would be a good place for them to start.

Linda Freeman: Right. You can find your polling place here. The site that we have, and the maps and things that we have, we are currently going to be working on trying to have a little more interaction with the GIS mapping, as far as I understand. So, that way when you actually use the Vanderburghgis.com website, that this will be a little more fluid and you won't have to maybe jump around so much to do that. But, part of this is that we are getting it up and running, but we thought we'd get this out for the people to at least see their precincts and things. There's, I would like to ask the Commission to continue the tradition that the Surveyor's office has had since, it seems like the beginning of time, but that we can provide hard copies of these maps, as we have since...I found a map from 1979, and then it was revised in 1985, but that we have these hard copies available for different people if they would like to come get them. I have provided them previously in the past for like Mr. Dennis Beadles from the Social Studies Department—

President Musgrave: Are you talking about these maps? Or a different map?

Linda Freeman: Just, like precinct maps and ward maps and Council district maps and things that we've provided in the past.

President Musgrave: I know that you've provided maps in the past, but I was so excited when, I know you did a great deal of the work on this project, so I think these are so much better than the maps that had been produced before, I hope that you moved to these.

Linda Freeman: Oh, yes. Oh, yeah.

President Musgrave: I would be thrilled to have you continue to do that.

Linda Freeman: Well, we started out, I mean, the one thing is, like when we started out in like 1979 it was all hand drawn.

President Musgrave: Oh, yeah.

Linda Freeman: Then, but we still used the TIGER line files and all the census data and stuff. Then, like this was Charlie Davis' handiwork, and then we were able to go to AUTOCAD drawings, which have, you know, we had, this is very simplistic, but this was in AUTOCAD, so this was pretty cool. Then we've managed to come up, using the GIS, in 2001 I used the TIGER line files and things, which were crude. The TIGER line files were crude, but they did allow me to use the GIS, the ESRI software and stuff and create the maps that we had before, which that's probably part of the look of those is that they are based on the TIGER line files.

President Musgrave: Well, between you and Laura, I think these maps are magnificent, and I do hope that you give them wide distribution. But, I hope that you will encourage people to do their own printing rather than to come down here and ask us.

Linda Freeman: Yeah, for a color set in the office it's taking me, a full set is three hours to print.

President Musgrave: I know.

Linda Freeman: So, no, I definitely hope people, if they want a whole set for, you know, whatever purpose they may want, that they could pick and choose the ones....now, the other option that they have, if they want to look at just maybe the city wards, which comprises a big part of the voting areas, or voting population, is that I do have the ward maps that were created, and they are also online. The one thing about these is that there's a table included that tells what changes were made. So, like particular here—

President Musgrave: Oh, good.

Linda Freeman: —ward three, precinct one was deleted and combined with 3-2. Precinct four was deleted and combined with 3-5, and so on. As you can see in the table, that's included. But, this also gives the people their Congressional, their House, their Senate, their township, their School Board and Commissioners and County Council areas. Then, this gives an overall depiction of the whole ward and then the surrounding areas, there again. So, if folks aren't in maybe the first ward or the third ward in one of these precincts they could look to see that, "Oh, gosh, I'm north of the creek, and I'm right in there. It looks like I'm in 5-5." So, they could go

find out information about that particular ward and precinct and then we'll also work on trying to do this for the county precincts. The only thing about that is that you're dealing with such a larger area, that trying to get it on....those I did on 8 ½ by 14, and an 8 ½ by 14 may not, you might have to need a magnifying glass to try and read some of the street names and stuff to try and keep it down to that. But, it might be something that—

President Musgrave: Or view it electronically.

Linda Freeman: —we could do an 11 by 17--

President Musgrave: Right.

Linda Freeman: —and post it up as a PDF that folks would be able to at least look at. They may not have the capability to print an 11 by 17, but they could at least look and see, you know, so, our office has always been very, let's get the information out as much as we possibly can.

President Musgrave: Commissioner Nix, did you have a comment?

Commissioner Nix: No. That's good work.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: The only comment, yeah, excellent work, and I know that a lot of this is thanks to the GIS program that we had started a few years ago. Cheryl, you're to be commended on that.

President Musgrave: I had a lot of good help.

Commissioner Shetler: I know.

Linda Freeman: Thank you.

Commissioner Shetler: I think the one, this is all good for people that have computers, but I don't know what the percentages are, but there's got to be some people out there that don't have computers these days—

Linda Freeman: Right.

Commissioner Shetler: —and I'm just thinking that perhaps maybe at least newly registered people, that when they get mailed back their registration card, that perhaps there's a way that we could include this map and tell them their poll location and the whole business after they've registered. Maybe at the Voters Registration office they could be handing them out as well.

Linda Freeman: Yeah, well, it's like, yeah, we have copies of maps I've done, like for candidates and different things. They'll call and say, "Well, do you have this?" I'm like, "I've got something, if you come and look at it, and then if it's not what you want, if it's something I have to create for you, then, you know, I can create it." Then I usually keep an extra copy, because I figure if one person's asking, the next guy's going to be looking for the same type of map.

Robert Heiman: The League also hopes to post copies of these maps in public places, like libraries and high traffic areas like Wal-Mart stores, if they'll let us. We also are working with the Polling Place Advisory Committee to put some signs at the polling places, say a couple of weeks before the election saying, "Vote Here". You know, as you drive by, "Vote Here", and directional signs to the door to go into. Because most of these places have more than one entrance and you don't know which one to go to. Make it as easy as possible for people to find where to go to vote.

Commissioner Shetler: Alright.

Linda Freeman: Like I said, we've always, I've got maps in the office, and I try to keep extra sets laying around for folks that might come and want copies.

President Musgrave: Linda, what's your e-mail address or your phone number, whichever you prefer, because I know that we've already had some public feedback, since I think yesterday. Somebody had gave us a good suggestion.

Linda Freeman: Yes, actually they are on the little maps, it says prepared by Linda Freeman, Vanderburgh County Surveyor's office, and it's 812-435-5210.

Laura Howell: Is it down here on the bottom?

Linda Freeman: Yeah, down there on the bottom.

Laura Howell: There we go.

Linda Freeman: So, that way if people have questions, or they want to know where they came from they can come and get additional copies at our office.

President Musgrave: Okay. Alright, thank you very much Laura and Linda, and to the League of Women Voters for making the suggestion which lead to the creation and posting of these. I hope that everyone uses them wisely, and that we have more civic involvement, more positive civic involvement.

Linda Freeman: People going to vote would be a good thing.

President Musgrave: People going to vote.

Linda Freeman: Yeah, and like if anybody's got any questions on the aerial photos that they may just be curious about the aerial photos and things like that, I've got some handouts on accuracy and how they were created and stuff.

President Musgrave: Okay thank you.

Linda Freeman: Just in case.

President Musgrave: Thank you.

Linda Freeman: Thank you.

Regional 2030 Transportation Plan

President Musgrave: Next we have Brad Mills from, I guess, you're the Evansville MPO today? To talk about the regional 2030 transportation plan. That's a date that I still have trouble thinking about. I understand you have a public hearing coming up?

Brad Mills: Yes. Brad Mills, Evansville Metropolitan Planning Organization. What we are doing is updating our 2030 transportation plan to a 2035 transportation plan. What you see before you is the improvements that we have through 2030. What we are now asking for is for public comment and input on what they see as improvements for the following, or the preceding, or the next five years from 2030 to 2035. Also, we could take comments for projects between now and then. So, it doesn't have to be just that far out into the future, it could be something that you see as a current problem, and something that we could work on with the city, with the county, with the state to try to make improvements. I have on the map here our website address, which is evansvillempo.com. At that location, you can view the current 2030 transportation plan that we have in there. You can also look at our schedule of meetings. We've already had one meeting, which was on August 15th in Newburgh. We've got our meeting here in Vanderburgh County and the City of Evansville and it's at the Central Library, tomorrow night, August 23rd at 6:00 p.m. and will go to 7:30. Also, we will have one other meeting in Henderson, which will be at the Henderson County Library, the same time, 6:00 to 7:30, and that will be August 24th. Also on our website we have interactive maps that you can go in and you can view and you can look at each of the five years that we break these down into. So, you can see what projects were proposed for what years. I've passed out a copy of a survey you should have on your desks there. That survey is online. You can fill it out online and submit it to us. We also have comment forms online that you can fill in and send back to us. Then we also have a really valuable tool, a guide to transportation terminology. So you hear us say all these acronyms and all these great sayings and you don't have a clue what we said. You can go in there, look at that, and, hopefully, that will help answer some of the questions that you might have. Also, our other contact information, e-mail address, phone number it's all at our website. So, if you have any questions, please feel free to give us a call. If not, we hope to see a lot of folks come out to our meeting at the Central Library tomorrow at 6:00.

President Musgrave: So, basically if you have a complaint about a road in Evansville, Warrick County, Henderson, now would be a good time to voice that—

Brad Mills: That's correct.

President Musgrave: —either in person or to go to the website and e-mail it. I assume if they e-mail you a complaint about a road that's not under your jurisdiction, you'll forward that complaint on?

Brad Mills: Yes, we will.

President Musgrave: Okay.

Brad Mills: Alright.

President Musgrave: Do you have any questions?

Commissioner Shetler: As an optimist, I'm just wondering if it's appropriate that we should voice the fact that I-69 ought to be six laned by the year 2030 or not?

Brad Mills: Alright, thank you.

Commissioner Shetler: Thank you, Brad.

Commissioner Nix: Thanks.

Authorization to Sign Polling Place Verification Letter

President Musgrave: Again, we're taking out of order the Women's Equality Day proclamation. Leslie Simmons? Before we do that, I forgot to do something. I need to authorize the signing of a letter to be sent to the polling places reminding them that they've agreed to allow the county to use their facility as a polling place in the November election. So, if I can have a motion to authorize me signing that letter.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. That takes care of a piece of business.

Womens's Equality Day Proclamation

President Musgrave: Please come forward, Ms. Simmons.

Leslie Simmons: Leslie Simmons, I'm co-chair of this year's Women's Equality Day event. August 26th was designated Women's Equality Day by a joint resolution of Congress in 1971 to commemorate the 1920 passage of the 19th Amendment to the U.S. Constitution. It's also called the Susan B. Anthony Amendment, which guarantees the right of women in the United States to vote. In Evansville-Vanderburgh County we are celebrating the occasion this Thursday morning at a breakfast event, which is an open event. All are invited, reservations are requested. It starts at 7:00 a.m. at the Executive Inn. This is the fourth annual event organized by a bi-partisan group of women to bring people together for education and inspiration. We celebrate the achievements of women, encourage women to be informed voters and to make a difference by being involved. The keynote speaker this year will be Reverend Della S. Porter, who is Pastor of Cleaves Memorial CME Church. She will also talk about, she will talk about the Civil Rights Movement and the experiences of African American women. This event provides an opportunity for community non-profit organizations to exhibit information about their organizations. This event also raises funds to support a Books for Children program, providing books for after school programs, including Boys and Girls Club, the YWCA, Carver Community Center and others. Because the first year celebration was initiated by a Vanderburgh County Commissioner, it seems fitting that there continues to be a connection with the Commission and the celebration. Commissioner Musgrave has asked that I read the proclamation that was prepared for this year. It reads as follows:

“Whereas, many decades of efforts by women and men were required to give women the right to vote; and, Whereas, 158 years ago the first women’s right convention took place in Seneca Falls, New York; and, Whereas, the observance of August 24th not only commemorates the passage of the 19th Amendment, but also calls attention to women’s continuing efforts toward full equality for all citizens regardless of race or sex; and, Whereas, the women of Vanderburgh County are to be commended and supported in their organizations and activities, NOW, THEREFORE BE IT RESOLVED, the Vanderburgh County Board of Commissioners does hereby proclaim August 24, 2006, Women’s Equality Day in Vanderburgh County, in remembrance of all those women and men who have worked to develop a more equitable community in which all people share burdens and benefits in truly equal partnership, acknowledging both the similarities and differences between women and men.”

President Musgrave: Commissioners, I would like a motion to approve this proclamation, which I will then read on Thursday morning at the breakfast.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And, if you’ll wait just a second, we’ll go ahead and sign it so that you can take one of the—

Leslie Simmons: Thank you. Shall I pass this out?

President Musgrave: Now, if you’ll take this with you, that way we’ll know it gets to the breakfast. Otherwise I’ll (Inaudible).

Leslie Simmons: Okay. Thank you very much.

Soil and Water Conservation District Presentation

President Musgrave: Next on the agenda is the Soil and Water Conservation District presentation. Mr. Darrell Rice is here to give us an update on the southwest district, southwest conservation district, is that what that stands for?

Darrell Rice: Soil and Water Conservation District. It’s close. Give me just a minute to set up here. I do want to thank you very much for inviting us to come here today and give a presentation. I wanted to introduce you to our staff, first, Norma Duckworth is with me this afternoon. We also made available, through Carla, a packet of information to each one of you. Within that packet of information is a copy of a DVD that Bosse High School created for us, talking about the district, where we’ve been and where we’re going. Then, Vanderburgh County did a soil survey with GIS background for each one of you. Also, the Vanderburgh County Soil and Water Conservation District business plan, so you kind of know where we’re headed in the next five to ten years. I work for the Natural Resources Conservation Service,

which is a division of the US Department of Agriculture. We also have in our office Norma Duckworth, who is our Water Quality Specialist, and also Rob Brown who used to work for your GIS division, now works in our office through the Indiana State Department of Agriculture, Division of Soil Conservation. When we'd received the call to do this presentation, I was beside myself with excitement, because it just gives us an opportunity to talk about what we're doing here in Vanderburgh County and the tri-state area, and some of the conservation projects that we are accomplishing through this great partnership that we have with the County Commissioners and the County Council. The Vanderburgh County Soil and Water Conservation District has always had a pioneering spirit, and the Vanderburgh County Soil and Water Conservation District was actually the first district in Indiana. Quickly following that, it was also the first US Department of Soil Conservation in the state of Indiana. With that, Vanderburgh was the first district in southwestern Indiana to have developed a comprehensive watershed management plan, which encompassed all of the Pigeon Creek watershed. With this comprehensive watershed management plan, that has brought literally hundreds of thousands of dollars to Vanderburgh County and Evansville through grants, through different departments that we've been able to acquire. The Vanderburgh County district is the first district in southwestern Indiana to host a regional meeting for the National Association of Conservation Districts, here in Evansville. It was the first district to be awarded the Soil Conservation District of the Year, for both Indiana, and then also the Nation. It was also the first district in southwestern Indiana to spearhead the development of a local urban erosion control ordinance. The Soil and Water Conservation District could not have accomplished any of that without a strong partnership between the US Department of Agriculture, the Indiana Department of Agriculture, which is only a year old, the Division of Soil Conservation and the Vanderburgh County Commissioners and Council. Some of the projects we've been involved with recently is a project at Howell Wetlands, which all of you are familiar with. If you notice in the background there's, once they created that wetland, they didn't do a very good job of top soiling the area, and there was some severe erosion on the banks, deep enough to bury large objects in. What we did was applied for some grant monies, went in and applied top soil, mulch and seeded the area, and now it is what it is today, if you've been out there recently. Some of the other projects we've worked with is Mesker Park Zoo and their Asian horse exhibit. They had a severe gully erosion down the center of that display. We were instrumental through design and cost share, or actually a grant to fund the seeding of prairie grasses, which would be native to the area that these Asian horses are from, and solved a really severe erosion problem, which was also causing some major water quality problems downstream. Some of the things we're looking for in the future, one of the other fun projects that we worked with at the zoo also was their animal waste composter. They were hauling all of their animal waste to the landfill, and now we've helped build a composter that they compost all of their waste and then use it back in the zoo around landscaping and different things. So, it was a great recycling opportunity. That's located across St. Joe Avenue from the zoo. But, what we're looking to in the future is a fun project called Rain Gardens. It's a, and we have several opportunities in the next few weeks and months to create some of these rain gardens on voluntary basis on some people's yards. What we're doing is capturing the down spouts off the homes, creating these little garden areas to capture that runoff before it leaves the site, stores and detains the water temporarily, filters out any nutrients, oils and things like that before it leaves the site, and then is discharged where it normally did before. So, these little projects are really exciting to us. We possibly might have some demonstration areas on some of the parks areas within the city. So, projects like these are going to be a lot of fun. It does a great job of improving water quality and quality of life in Vanderburgh and Evansville.

Some of the other projects we're working on are constructing grassed waterways, and we are targeting more of these throughout the county. We're looking at severe erosion problems. We can come in with USDA Cost Share money and help share in the cost of constructing these, which is eliminating huge gully erosion problems, improving the streams and all the creeks and tributaries downstream. We're looking at doing a lot of, this happens to be on Ray Knoll's property in northwestern, or northeastern Vanderburgh County, we're planting a lot of warm season grasses, converting crop land to warm season grasses and prairie grasses to improve wildlife habitat. But, we are really excited about what warm season grasses, and this is a good demonstration of big blue stem. We're really excited about carbon sequestration, and these warm season grasses create a tremendous amount of root system and sequester a tremendous amount of carbon within that plant and moving it down through the root system. These plants will have a system of ten to 12 feet deep, and they'll create those root systems within three years. So, we're really excited about things like this, where we're converting crop land to these types of grasses and improving, helping improve water quality and the quality of life in Vanderburgh County. We're also looking at a lot of filter strips. These are strips of grass along streams. We have a program through the US Department of Agriculture that cost shares and also pays a rental rate to the landowner to convert crop land to grasses. All the water that would flow from the crop fields will go across the grass, filter nutrients and pesticides out of the water before it gets into the tributaries, improving water quality for Vanderburgh County. So, we're really excited about projects like this. We're targeting, the Big Creek watershed is one of my pet projects. I'm envisioning filter strips from 41 all the way to the Posey County line. We're about half way there. We still have a few tributaries we've got to tie together. But, in conjunction with the ditch association and US Drainage Board members, we're real excited about pushing forward. Through a program called the Conservation Reserve Enhancement Program, Indiana has thrown extra money out for the Pigeon Creek watershed, which is kind of upping the ante for what we can pay landowners to put these projects in. So, we're really excited about things like this, because it's good for the farm, good for the farmers, and good for the water quality downstream. It saves a lot of money on cleaning ditches out in the long run, and does a great job as a precursor to those projects. We're doing a lot of tree plantings. Not as many as I would love to see, but we do plant trees, converting crop land to trees. There again, when we're looking at carbon sequestration, trees are the best plant to plant for long term carbon sequestration. So, we're really excited about projects like that. We're hoping more trees are planted. With these projects we can, there again, as we're converting crop land, we can pay those annual rental rates to farmers, so they're not really losing the income for that length of time. The last thing we are really focusing in on, the aerial photo background is a demonstration area that we have at the Warrick-Vanderburgh County line. That's I-164 to the left. We have leased this property, 40 acres, as a conservation cropping and tillage demonstration area. This will be the second year. We have a field day next Thursday at 4:00 at the site. If you take Burkhardt all the way up to the end and go under I-164, it's right there on the left. You can see the signs from I-164. We're really excited about this as a demonstration area to show the public what we're doing in conservation for farmers. We like to be proactive. We want to show the taxpayers that farmers are proactive in their approach to conservation, and these are demonstration areas to show farmers also that it is economically feasible to do conservation on their farms. Some of the other things we're involved in, the US Department of Agriculture, through their programs, brought \$3.2 million to Vanderburgh County through our farm programs in 2005. We also brought another quarter of a million dollars in conservation programs to that. So, we're talking about a lot of money. When you start multiplying that into fuel, parts and tires and all those

other things, we're talking about multiplying that by another two times. So, you're looking at a major impact to the economy of Vanderburgh County, and that's through conservation programs. We were the first in the tri-county area to sponsor Project Wet. Much of the material for that Project Wet, which is a training material for water quality issues. A lot of that material was developed by one of our board members, Susan Fowler, who lives here in Evansville. We were the first to have a river watch monitoring program in cooperation with the Evansville Day School, which was an exciting program back in the late 80's early 90's, to start monitoring Pigeon Creek and see what's going on with water quality through the biotics of that channel. We were also the first to have a full fledged water quality monitoring survey completed in the Barr Creek watershed, which is a tributary to Big Creek. The SWCD also financed, through grants, a HARZA study for water quality in the Pigeon Creek watershed, from Princeton all the way down to the Ohio River. We continue to work with engineering firms, developers and agri-businesses on erosion control, prevention and water quality and air quality improvement. Currently, we are applying for additional grants through the Indiana State Department of Agriculture, the Indiana Department of Environmental Management and EPA to fund more conservation application for the county. Also, with that comes monitoring and education projects. One example of that, we had a couple of public meetings last week for the Big Creek watershed to bring more money to this area through grants. An exciting project I'm involved in also is, we've kind of coined, well, we have coined the term "smart growth". It's a term from Purdue University, and we've started a small group, just brain storming with interested citizens, government agencies and other individuals on how to keep green space, how to increase green space in Vanderburgh County. The Parks Department, the golf courses are working towards developing new wildlife areas, and we've also done a large project, we've accomplished just recently a large project on Angel Mounds. All these things make a better Vanderburgh County. So, we're real excited about the things that we're doing to help improve water quality, air quality, with this carbon sequestration, Vectren and some of the power companies are really excited about what we're doing because they can in turn start taking carbon credits for the things that we are applying to the land. So, we're really excited about the partnerships that are starting to develop. Questions?

President Musgrave: I'm going to ask you hang on here just a moment while we change the tape.

Darrell Rice: Alright.

(Tape change)

President Musgrave: Thank you. That was a wonderful presentation. I have a couple of questions. We were doing a rezoning a few months ago and somebody showed us an aerial photograph of around Angel Mounds where it was astonishing to see that, I think this was in the 1930's, all the trees were gone. There seem to be a lot more trees now, but would you say that we're more forested now than at some point in the more recent past?

Darrell Rice: No.

President Musgrave: No? Less?

Darrell Rice: Yeah, and actually we are working through the Smart Growth group in trying to assess, through aerial photography, where we are, and I've tried to tap into some information that Purdue University has, from some of their satellite imagery,

where we're trying to assess where we were five years ago, and where we are today. Some of the information we're seeing is as much as a 20 percent decrease in wooded vegetation in Vanderburgh County. That's kind of alarming to me. We're losing a tremendous amount of farm land acres to development. Typically, not always, but it's easy to go in and annihilate all the vegetation on a development.

President Musgrave: But farmland to development does not destroy trees, so where are you seeing the trees?

Darrell Rice: Well, typically there are fence rows, small wooded areas that are on those tracts of land. So, those things disappear. Because it makes it easier to throw roads in, and put your sewers in and things like that. So, yes, there is a decrease. That's one thing, through this Smart Growth group, we're trying to assess where we are, so we know exactly what's happening and what can we do to turn this thing around.

President Musgrave: Well, I would like to see your report when you get that done.

Darrell Rice: Excellent.

President Musgrave: I listened to a rather fascinating speech last night at the Farm Bureau's annual meeting where they were talking about the growth in ethanol production, and the numbers of barrels, I mean, it's not barrels—

Darrell Rice: Bushels.

President Musgrave: Bushels of corn that are going to be needed to fuel those plants. It's basically everything we grow now. It got me to thinking is some of this crop land that you're converting to grass now, is that going to be pushed back into crop land? Do you have any projections on that?

Darrell Rice: Probably not on a local basis. With the Conservation Reserve program it's designed to retire marginal crop land.

President Musgrave: Okay.

Darrell Rice: The marginal crop land is usually highly erodible type soils, that production is not maximized anyway. With the introduction of warm season grasses though, with that creation of a huge amount of organic matter in that soil profile, it will build the soil back to a place long before it was brought into crop land. So, it possibly could be a conversion, but I don't see a lot of that. I see more filter strips and things like that to go in conjunction with it.

Commissioner Nix: You'd mentioned a water monitoring system, or something that you had set up with the Day School back in the late 80's. Has anything been done since then with any kind of school?

Darrell Rice: There's actually a national website through the River Watch program that you can get on and actually see some of the monitoring data that schools and different groups. They're looking mostly at the biology in the stream itself, more than just chemicals and things like that, because the biotics of the stream kind of indicate what, how healthy that stream is. So, you can get on River Watch, and I believe Day School is still part of that program. But, it's multiplied to a much larger scope than it was.

Norma Duckworth: There's several people monitoring from Mater Dei (Inaudible).

Darrell Rice: Yeah, several of the schools, yeah.

President Musgrave: Okay, Commissioner Shetler, do you have any comments? Well, thank you very much—

Darrell Rice: Absolutely.

President Musgrave: —for the presentation.

Darrell Rice: Thank you for the invitation.

President Musgrave: It was nice of you to come and tell us about the state of soil and water conservation and your partnership with the county on furthering that.

Old Jail and Sallyport/Holding Cell Update

President Musgrave: We now have Dave Rector, I believe, to come forward. I see Judge Trockman with you to talk about the old jail and sallyport holding cell.

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. I also asked Judge Trockman to join me on this, even though he's next on the agenda for the next one. After several meetings with the judges, Commissioner Nix and Chief Williams and the security force, we finally have a recommendation on the old jail space, as far as holding cells is concerned versus the possibility of constructing a new sallyport and holding cell facility. That's what we're proposing, and we would like your agreement or consensus with that. The reason it's important is so that we can continue to move forward with the design for the demolition of the old jail space, or we're going to say we're going to stay up there and design around it. We've reached the decision where we think it's best to construct a separate facility so we can totally abandon that space. I thought probably it best that Judge Trockman be here to answer any questions you might have, along with Commissioner Nix, for your support, or non-support of that project.

Commissioner Shetler: Is this based on economics? Based on, I mean, what's the decision based on?

Dave Rector: It's based on economics, but more than that it's based on the judges and the Sheriff's Department's concern for safety and security. As you know now, the bus pulls up outside and the inmates unloading and loading are exposed to whatever environment there may be occurring at the time. In addition, it's based on how we're going to have to try to work around that space in the old jail, if we could. As we've gotten into this, we find that, obviously, the circuitry is all tied together, the plumbing is all tied together, and quite actually we've found that the HVAC, well, there's no A/C in the old jail, but the heating/ventilating system, air conditioning system for the first floor and the basement are on the second floor of the jail, and for the heating/ventilating for the jail are on the third floor, and it's....we could not isolate that system without taking them out of there for a period of time, in order to not only disconnect what it was, and then re-plumb, re-wire, re-distribute it, and then put them back in. The cost of doing that was balanced against just going to a whole new facility, along with the security that the judges and the Sheriff's Department felt necessary.

Commissioner Shetler: Can you give me an idea on numbers, when you weigh it out? I mean, I know you probably don't have firm numbers.

Dave Rector: We don't have for the demolition yet--

Commissioner Shetler: Right.

Dave Rector: --that's what we're working on, why we need this decision. We're guessing this facility is in the \$600,000 range, and that's an order of magnitude estimate. Not knowing what might happen, as you see, where it's located, with footers against the courts building, against re-working the drive. But, we feel fairly comfortable, as an order of magnitude estimate, that would cover it.

Commissioner Shetler: Are we going to lose any parking places? What kind of other things--

Dave Rector: We would lose five parking places that we will re-capture around on the other side of the brick wall. There's available parking with the detectives that have moved out. We've moved 24 detectives out of the building, as you know, that used to park against the sidewalk on this side of the building, and Chief Hill has been made aware that until this all sorts out, those parking places may or may not stay with his department. We may have to reserve some for any that we lose in the courts lot.

President Musgrave: Do I read this right that you lose sidewalk access from the parking lot over to the front, the back of the building?

Dave Rector: No, actually, what we'll do, we're doing (Inaudible) work right here. We'll come through here and punch a hole through--

President Musgrave: So you can walk this way?

Dave Rector: So you can walk around. Or we'll punch a hole through the wall down here.

President Musgrave: Okay.

Commissioner Nix: I'm sorry. We did talk about that.

President Musgrave: That's alright.

Wayne Trockman: There were three, really three options. One was, Wayne Trockman, Vanderburgh Superior Court. There were really three options; one was continue to use a portion of the second floor where the jail existed. That caused problems as I understood with use of the second floor for any other purpose. It would take basically most of the second floor, and it also caused problems because prisoners would be moved into many different areas before they would finally end up where they were going. The second option was building an appendage onto the courthouse, which could be done at that back door. That would be probably, at least after some discussions with Commissioner Nix and Mr. Rector, more expensive than this option. It also would take a larger portion of the parking lot, and it would have to be made somewhat aesthetically pleasing, so it didn't look like an appendage to the building. Then, this third option, which does not take any additional space, just a few parking spaces, brings the prisoners right to where they are going. That

bridge leads right into all the holding areas that we continue to use in the courthouse. So, there isn't a lot of movement of prisoners from one place to another. That was a safety issue that was expressed by the Sheriff's Department. And, it's up on the second floor, so, except for, or it's above ground, so, except for those five or so parking spaces, and an area for that bus to park while loading and unloading, there's no additional space that's taken. It seemed like the best choice of the three.

Commissioner Shetler: Time table? Does this seem to be the quicker of the alternatives as well?

Dave Rector: Well, yes, it is the quicker of the alternatives. The time table will be further discussions with you all and our board as to whether we do a bond anticipation note, whether we wait and try to get all the figures together and bond the whole project, do we use some of the joint funds we have. So, the time table hinges on how we move forward with funding. I don't think any of us have those answers yet.

Commissioner Nix: I guess, just touching on what Judge Trockman said, it does clean this building up to the fact that we can use it for other uses, and we're not going to hamstring ourselves to the fact that we've got to build around. In this particular case, if we would put it over here, it wouldn't necessarily be a security issue, but it's just one more thing that we would have to work around in this building. If we can get it over there where it needs to be, and I personally believe it needs to be over there, then I think we need to move forward with it.

President Musgrave: What action are you looking for today?

Dave Rector: I don't know, Counselor, I don't know if we need a motion or not, but just a consensus or an agreement that, yeah, you all feel that this is the way to move forward so I can take it to my board so I can direct the engineering firm to now look at that area in the demolition scope of the work, as to gut the whole thing, not trying to isolate this area. Then, on the other side, the next phase, as we're planning it, we can plan to use that space, versus not using it. So, I don't know if it's a motion.

Ted C. Ziemer, Jr.: Is this county property that's no longer covered by the lease?

Dave Rector: It's Building Authority property that the county is leasing.

Ted C. Ziemer, Jr.: Building Authority property that the county is leasing, and you're going to be demolishing some of the property that the county is leasing?

Dave Rector: Yes.

Ted C. Ziemer, Jr.: What happens to the lease payments being made by the county for this property?

Dave Rector: They continue. It's still county leased space, that if they still want it, they could even sub-lease it. But, the lease continues whether the space is used or not, because it's for the operation of the building.

Ted C. Ziemer, Jr.: Sure, that's what I thought.

Dave Rector: Yeah.

Ted C. Ziemer, Jr.: So, the county is really agreeing, or not, to allow the demolition of some property that it is leasing, and for which the lease payments will continue. So, I think you would certainly need a motion to approve that.

President Musgrave: So, we're not actually authorizing demolition of anything today? We're authorizing you to move forward with plans and going in a certain direction?

Dave Rector: Yes. Who knows, that might change at some point. But, we've got to keep moving in some direction. Right now we've stalemated around this issue to continue with the demo scope.

Commissioner Nix: Once again, we felt like, it needed some time to see how this process was going to work, transporting inmates from the facility out there. We just didn't want to make something happen in the first three or four months. We wanted to wring it out and make sure it's going to work, and I think we're to that point now. But, you know, versus doing something in January or February of last year, or of this year, and then coming back and saying, "Why did we do that? We should have thought this out a little bit." But, I think we've done that now, and this is, what Mr. Rector is saying, is the next step then.

Commissioner Shetler: Let me ask you this, a legal question, and that is the bond money that was used to build the jail in the first place, I understand that there's a fair sum, I guess, left, I guess, enough to cover this, isn't there?

Dave Rector: No, there's about \$330,000 left.

Commissioner Shetler: Okay. Is it possible to use that money for this, since it's related?

Ted C. Ziemer, Jr.: I think so.

President Musgrave: The Auditor is shaking his head no.

Commissioner Nix: I've been told by your counsel, Kathryn, she had a chance to look at it, and we could not use it off site. It couldn't be used for off site.

Ted C. Ziemer, Jr.: Okay, off site.

Commissioner Nix: Yes.

Dave Rector: That's what we understand.

Commissioner Nix: I mean, we can look at that.

President Musgrave: There is bond defeasance money from this building. How much of that money is left?

Dave Rector: We have about \$450,000 there.

President Musgrave: So, it's still not even enough to build this if it did indeed come in at \$600,000. Well, Commissioner Nix, do you want to make the motion?

Commissioner Nix: I guess, the motion would be that we move forward with plans, and not necessarily nail anything down?

Dave Rector: Yes.

Commissioner Nix: So moved.

Commissioner Shetler: I'll second.

President Musgrave: And, to clarify for the record, which we will put a copy of these plans in there, this is the plan that we're talking about, correct?

Dave Rector: Yes. I think the key word here is plan.

President Musgrave: Okay. We have a motion and a second. Is there any further discussion? Hearing none, all those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Judge Wayne Trockman: Short Circuit Court Renovation

President Musgrave: Judge Trockman, I believe you're next on the agenda. You are here to discuss Short Circuit Court renovation. I guess, you've run short on that Short Circuit Court fund?

Wayne Trockman: We have. As you know, many areas of the courthouse have been improved over the last year and a half. There is one last item that we think should be improved, and that is Short Circuit. I think it got its name years ago because it was used as a hearing room for Circuit Court when it was in use during trials, and someone probably just came up with the name Short Circuit, and it stuck, because it is much smaller. But, it's used everyday now by Superior Court. It has a jury box, and it's capable of conducting civil jury trials. In fact, the plan, the renovations that have already been completed include a jury room that is completed and furnished next to that courtroom. That courtroom was built probably 16 or 18 years ago, if I had to guess, and it was built by inmates at the Safe House. It's adequate for holding hearings. It's outdated, outmoded and needs renovation, especially if it's going to be used for jury trials. The biggest problem with it is there is a large janitorial closet that juts well into the courtroom, and makes it very difficult for counsel to even sit at one of the two counsel tables. It was designed terribly inadequate for a court reporter to do his or her job. The price, as I understand from David, of making the renovations is about \$45,000. I think that we have, left over from the renovations, approximately \$10,000, is that correct?

Dave Rector: Yes.

Wayne Trockman: So, our request, Superior Court's request is that the money that is being held in that joint account that funded, I believe that was the account that funded much of the other renovations.

Dave Rector: It came from that account. It's kind of convoluted in the way it all came about. But, this is the remaining interest money from the defeased bonds that we had borrowed the first amount to pay that came from that. Then this was the surplus that we have in our joint account, but yes, in essence.

Wayne Trockman: So, we're asking for approval of up to \$35,000, and that would complete all of the renovations that had been planned to the courthouse.

Commissioner Shetler: Is that the same \$440,000 that we were referring to a moment ago?

Dave Rector: Yes.

President Musgrave: That's Building Authority bond defeasance money, right?

Dave Rector: It's the money that we set aside in a joint account for both of us. So, we can't spend that money without your approval. You can't spend it without our approval. It was just for building projects, whatever you all, we all, thought might be needed.

President Musgrave: And there have been some minor ones over the past year, the Commissioners office got a little bit of improvement. Can you think of anything else that we've done with that?

Dave Rector: We've worked through, that didn't particularly come from that fund, but we've worked through, we did the Juvenile Court renovation, Adult Misdemeanor, we did new Division II and Division IV courtrooms, magistrate offices, some renovations to Judge Lloyd's office, to Small Claims. We've made pretty good use of the money, but it's just wound down now to we don't have enough to finish Short Circuit. In fact, we've done more than we thought we were going to get to do with it because of the bids, the way they came in. We didn't intend to get to do some of these others. This was kind of a wish list the judges had developed, hoping to do as they progressed through if the money held out, and it didn't.

Ted C. Ziemer, Jr.: Wasn't part of it for the cameras? Wasn't part of that money used for readying these rooms?

President Musgrave: Yes.

Dave Rector: No, it didn't come from that fund.

Ted C. Ziemer, Jr.: It did not come from that fund?

Dave Rector: No.

President Musgrave: I thought it did. Okay, Commissioners, you have before you a request for an additional, but we are told that it's the last request. Can we have that in writing? For money, totaling \$35,000 for the courts.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you.

Wayne Trockman: Thank you.

Commissioner Nix: Thanks.

Discussion of Video Arraignment

Commissioner Nix: Mr. Rector, before you step away, just real quick, video arraignment. Now, I was out at the jail the other day, and it seems like it's working real smooth. I didn't know if you had any comments on that at all.

Dave Rector: From my involvement and observation, I'll let Judge relate to it again, I think it's going super. I think they're averaging 15 a day? Fifteen to 20 a day, in talking to a deputy at the jail. The monitors are worked out. It went in, actually, it went in pretty seamless. It's kind of scary that the project went as well as it did. I think they just had their first felony last week? Two weeks ago? Judge could probably comment to that better than I.

Commissioner Nix: I didn't mean to put you on the spot, I just didn't know if you had any comments on it at all, or how it's working.

Wayne Trockman: Actually, we expected a learning curve and problems, but it's all really gone off without a hitch. We're waiting for the second shoe to drop. But, we are, once that got up and running, we've reduced the number of transports by about a third. There are about 15 to 20 misdemeanors transported everyday, about 50 or so total, on average, transported. So, we've reduced that by about 15. So, the bus is able to handle all of the transports, on most days now, and we hope to transition to Circuit and Superior Courts soon so we can eliminate maybe even up to another third of the transports. But, it's gone very well.

Commissioner Nix: Thank you.

Dave Rector: I'm glad you asked that question, because that did remind me, that's where some of this shortfall came about. For some reason the video arraignment part for misdemeanor here wasn't planned, as it was at the jail and the bond. To get that done, that came out of some of this money that they were looking to other projects. In the past, I guess, they thought they had some funding for that. So, we had to do that out of this fund to get the video arraignment up and running.

President Musgrave: Okay.

Commissioner Nix: Thank you.

Health Department: Local Public Health Coordinator Grant

President Musgrave: We move now to contracts, leases and agreements, Local Public Health Coordinator grant for 2007. I understand our attorney has reviewed this and found it to be legally acceptable. Does anybody from the Health Department have anything to say? It doesn't look like it. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Did I skip something? I did.

LEPC Awareness Week Proclamation

President Musgrave: Local Emergency Planning Committee, LEPC Awareness Week proclamation. Mr. Caldwell? You are here to ask us to make our second proclamation of the day.

Dwayne Caldwell: That I am. Well, I am Dwayne Caldwell, I'm the Chairman of the Vanderburgh County LEPC, your Local Emergency Planning Committee. Very nice to see you all this afternoon. If you'll indulge me, I'll give you just the barest background on LEPC and what we are and what we do, and then why I'm here asking for your support. Back in 1984, a leak at the Union Carbide plant in Bhopal, India released a cloud of Methyl isocyanate, which killed 3,800 people. Congress acted to prevent that from happening in the United States by passing the Emergency Planning and Community Right-to-Know Act. The body that administers that Act is the Local Emergency Planning Committee. Now, the Vanderburgh local planning committee is made up of industry, responders, elected officials, citizens who volunteer their time in order to make sure that the citizens stay free from chemical accidents. It's completely funded by industries that are regulated by the Act. So, it doesn't cost the county anything. I'm sure that's a nice thing for all of us here. We do a lot of information gathering from the industries, we make sure that the plan to combat chemical incidents is kept up-to-date, and we educate the folks in Vanderburgh County on how to protect themselves. Now, I'm sure you're going to agree with me that we are very blessed in Vanderburgh County to have top notch emergency responders. But, the thing that's going to make a difference between a chemical release being a small incident, and a chemical release being an unprecedented disaster is the public knowing what to do to protect themselves during a chemical emergency. That's why I'm here to ask for your support in joining us on the 5th of September at 2:00 to offer your support for this proclamation for LEPC Awareness Week.

President Musgrave: Do you want to read the proclamation, or pertinent parts?

Dwayne Caldwell: Have you got a copy there?

President Musgrave: I do.

Dwayne Caldwell: I'll have to use my preacher voice here.

"Proclamation of LEPC Awareness Week. On behalf of the citizens of Vanderburgh County, we Cheryl Musgrave, Bill Nix and Tom Shelter, Jr., hereby proclaim the week of September 5-11, 2006 as LEPC Awareness Week. Whereas, the citizens of Vanderburgh County need to be conscious of the role that chemicals play in their daily lives, the benefits and hazards posed to our families,

especially our children, and the ways to prevent possible harm; and, Whereas, all citizens have a right-to-know the types, locations, hazards, and quantities of reportable hazardous chemicals within our community and to know proper procedures to take in case of an accident or emergency; and, Whereas, better communication between local emergency planning committees, local businesses, industry, retail, service and farming sectors is necessary to increase the involvement of off-site emergency planning for hazardous materials accidents; and, Whereas, first responders, such as firefighters, law enforcement, and emergency medical services personnel, must be informed of reportable types and amounts of hazardous materials and chemicals that are present in the community and must be properly trained to safely respond in the event of an emergency; and, Whereas, Local Emergency Planning Committees have become knowledgeable and thus also raise the understanding of the citizens they serve about manufactured chemicals used or sold in the factories, companies, retail stores and farms in their areas; and, Whereas, it is essential for local governments and the Local Emergency Planning Committee to help prevent the accidental releases of hazardous materials, to prepare plans for responding to accidental releases, and to implement programs to protect the well being of all citizens and visitors to this area; and, NOW, THEREFORE, BE IT RESOLVED, that we, Cheryl A.W. Musgrave, Bill Nix and Tom Shetler, Jr., do hereby proclaim the week of September 5-11, 2006, as LEPC Awareness Week in Vanderburgh County as a means to support the goal of working cooperatively together to effectively address the concerns of local communities and plan for a safer future in Vanderburgh County.”

President Musgrave: Okay, is there a motion to adopt the proclamation?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We’ve given you a nice copy. I think you can keep that.

Dwayne Caldwell: That’s ours? Oh, thank you. Appreciate that. We appreciate your time, we appreciate your support.

President Musgrave: I’m sorry I skipped over you earlier.

Dwayne Caldwell: Oh, that’s okay. I’ve been married 17 years, I’m used to such things.

Superintendent of County Buildings

President Musgrave: Unless I've skipped over anyone else, we can move now to department head reports. I understand Marissa Nichoalds has a report on our workshop.

Marissa Nichoalds: Actually, I have three items for you today. First is an update on the workshop that's planned for August 31st, to let you know we have approximately 120 people registered so far. We are taking reservations at the door, the lunch is \$17, the workshop is free. All documentation can be found on the Commissioners website.

President Musgrave: That is our economic development workshop that's going to discuss how we can support existing business, and how we can attract new business, and what we can all do together.

Marissa Nichoalds: Next, the Commissioners received a letter from the American Red Cross thanking them for their sponsorship of the blood drive on August 18th. They had a goal of reaching 31 presenting donors with 25 productive units. They actually had 40 presenting donors, and got 27 successful donations. So, they exceeded all of their goals for that. Finally, I have a letter from BKD, from the Commissioners to BKD to be signed by the President outlining the processes that were used to review the Centre's budget.

Ted C. Ziemer, Jr.: I've just today been given a copy of that letter. It doesn't mention the Centre anywhere. It talks about that you're agreeing that we're responsible for the (Inaudible) subject matter, but it doesn't tell what the subject matter is.

President Musgrave: So, do you want to look it over?

Ted C. Ziemer, Jr.: I can't recommend that you sign this letter in it's present form. I know that they can make it in a form that you could sign it, but the first time I saw it was today, and I don't recommend that you sign it today.

President Musgrave: Alright, so we'll put that off for two weeks from today. We do not have a meeting next week, and if you could have that, negotiate with them to get the proper language in there and bring it back, that would be great.

County Engineer

President Musgrave: John Stoll, County Engineer has a report. I believe you're the only department head who has something to report.

John Stoll: First, I have a change order on contract VC06-06-01, this is the Pinehurst Drive paving project. The increase is \$12,772.40. The reason for the increase was additional, one additional inlet box had to be added because the location where they were tying in a pipe, the inlet box had deteriorated to the point it couldn't be repaired, so it had to be replaced. Some additional curb replacement was needed to direct the runoff to that curb inlet, and then also they added some additional asphalt to provide a better crown in the road to help the drainage as well. I would request approval of that change order.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have two supplemental agreements on the Green River Road contract with DLZ. The first one basically, it's kind of a complex contract, but the original contract was split into two phases, phase one being Lynch to Hirsch, and phase two being Hirsch to Heckel. The contract anticipated that the wetland mitigation part of the project would be addressed in phase two, rather than phase one. The original phase one agreement amount was \$476,000, and the original phase two project amount was \$935,000. Given the fact that the wetland mitigation was anticipated in phase two, the costs for that were included in the \$935,000 portion. As it turned out, with the north project limit of phase one going up to the point where the regulatory agencies said we had to do the wetland mitigation in phase one, the phase one, the costs for this wetland mitigation had to be shifted from phase two to phase one. So, the supplemental agreement is transferring \$47,000 from what was anticipated to be a phase two cost into the phase one agreement. It means no net change to the overall contract amount, and it increases our phase one costs by \$47,000. I know it's confusing, but in the end the final revision for supplemental agreement number two results in the phase one design between Lynch and Hirsch being \$523,000, and the phase two design estimate being \$888,500. No net increase to Vanderburgh County. Given the fact that that needs to be done in order to progress the project, I would request that that supplemental agreement be approved.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then the next item is supplemental agreement number three for that same project, that was contracted with DLZ. This, in turn, makes more amendments to both phases, excuse me, phases one and phase two, in the sense that phase two was originally anticipated to be a federal aid project. Now, it will all be locally funded through the TIF bonds. The supplemental number three, in turn, results in the contract being, the contract total being \$1,168,000. That reduces the previous by \$243,500. This is, it does make adjustments to both phase one and phase two as far as the overall contract amounts, but that will be the final cost to Vanderburgh County, the \$1,168,000. In doing the contract this way, the soils evaluations have been removed from the contract. So, we will have to get a separate soils contract. We're anticipating combining that with the soils work for the portion of the project between Hirsch, I mean, I'm sorry, between Heckel and Millersburg that will be designed by Bernardin Lochmueller. Hopefully, we'll see a cost savings by

combining things in that manner. Once we get the results of that soils work back, then, ultimately, we will have to do another supplemental agreement, because not knowing what the soil conditions are, DLZ's contract can't anticipate what kind of foundation work is needed for all the overflow structures out on that project. So, we will see another supplemental, but it's not addressed at this time.

Commissioner Shetler: With your permission, let me elaborate just a little bit on this supplemental contract. We back on June the 30th, Commissioner Nix and attorney Ted Ziemer and along with County Engineer, John Stoll met with DLZ to work out that contract as it existed. We found out back in the spring, we had sent out RFP's to engineers across the state, getting information for them to put the proposals in front of us to decide on a variety of different projects. We, in the course of doing that, on Green River Road the County Engineer received a phone call from a potential sub-contractor that that contract had been signed by previous Commissioners with their firm that outlined that if at any time in the future, if federal money or county money would become available for that specific project, that they would, in fact, get the work on that job. There's questions about, some legal questions whether or not, in fact, that was a valid contract in placing that underneath some future body, Commissioners and stuff. But, at best we were looking at probably a 50-50. We felt, the Commissioners felt it best to have a public meeting, that we held on June the 30th with the engineers, DLZ, which that contract was signed by, and felt that the best opportunity for us might be to try to work out the terms of it, to mitigate the damages in anyway, or the cost of that, so that we could get it down as low as possible. In so doing, we reduced that by \$243,500. I think that negotiation session was very fruitful, and it was certainly worth our while to do that. Part of the deal at the time was when they had signed the contract, they didn't know how long in the future that may come about. They, you know, it could have been something that materialized in two years, or four years, or 20 years. So, they were signing their names to a contract that they had no idea exactly when that may come to fruition. Once they knew that, that we were serious about it, we had the monies in place, and that we were ready to combine these projects together, it made it more attractive to them to look at this thing, and to do some combining, and therefore reducing the costs \$243,000. So, I think we have a very good, workable relationship with Joe and the people at DLZ with this, and I think it's going to benefit the county greatly. I'm glad that we were able to get the money down and save the taxpayers a quarter of a million dollars in this process.

Commissioner Nix: And another part of the process too, instead of, and I know Commissioner Musgrave has alluded to this in the past, to drag this thing out for—

President Musgrave: Years.

Commissioner Nix: —years, in lieu of doing it in the two to three year process, it's going to save the county a tremendous amount of money. It just all goes into the fact that the quicker you get these things done, the more economical they are going to be, to a point. I mean, you've got to be careful that you don't put a bunch of time into it and work days and nights and all that, but it's the right thing to do to move forward with this as quickly as possible.

President Musgrave: Well, I want to thank you both. I know that you were in that meeting, and our attorney, and Mr. Stoll. I was in Indianapolis that day, but your work that day in saving the county \$243,500 on a contract signed by previous Commissioners, I think your time was well spent. I believe you need a motion to approve all the amendments that have been made to that contract, is that correct?

John Stoll: Yes, and they all have been approved, reviewed and approved by the County Attorney.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next item I have is, I've got a claim form to shift \$6,000 from the TIF Fund to the Green River Road-Lynch account to cover the cost of the supplemental agreement that was signed last week. The \$6,000 supplemental was signed with Beam Longest and Neff. This should be the last cost that would come off of the existing TIF money, rather than the new bond issue. I've got that claim form requested, and request your approval on that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a set of plans for the improvements on Ruston Lane at Highway 57. This project is in conjunction with the Shoe Carnival warehouse up on Highway 57. The plans were done by Morley and Associates, and the plans consist of providing separate westbound shared through and left lane, and a dedicated right turn lane on Ruston at 57, on the east leg of 57 and Ruston. It also provides some additional work out on Highway 57. That includes a southbound left turn lane and some widening to accommodate that left turn lane, but your approval, basically, is just on the Ruston Lane improvements. Everything else would be under INDOT's jurisdiction. I've reviewed the plans and would request your approval.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Is there a cost to this to the county?

John Stoll: This is all going to be covered by the developer, as far as I know, at this point. I'm not aware of any other way that they've got it funded. I know that they were looking at some other alternatives, but I'm not aware that anything was ever ironed out.

President Musgrave: Okay, so this motion is based on the fact that it will not cost us anything? Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item that I have is a letter to send to Sam Sarvis at INDOT. This is in regard to the Green River Road and Morgan Avenue intersection project that they have in the works. A couple of weeks ago Commissioner Nix and the County Surveyor Bill Jeffers and Linda Freeman from his office and I met with Bart Mueller of INDOT to discuss the Green River and Morgan project. Basically, that project has what we feel is an undersized culvert, under Green River just immediately south of Morgan Avenue. The letter basically is asking INDOT to reconsider the possibility of changing the scope of their project to replace that culvert, due to the fact that some recent flood studies that were done, coordinated through the Building Commission's office showed that that culvert is responsible for a 1.25 foot jump in the flood water, 100 year flood elevations out in the east side. This affects, basically, the entire TIF district area that was recently expanded. Given the fact that it jumps the flood elevations, then that requires additional fill throughout the entire east side, and that's why we're asking INDOT to reconsider. Basically the letter just outlines why we think it's important that they reconsider that, and replace that culvert. It basically indicates that the county's already spent over a million dollars on Stockwell Road to improve that restriction, and through the County Surveyor and the Drainage Board the other restrictions in the ditch upstream of Green River are going to be addressed. So, this would leave the culvert at Green River as the only problem out there. So, that's basically the scope of the letter, and I request your signatures on that.

Commissioner Nix: And this is really just a follow up to a letter that we had sent some time back through, Bill Jeffers and I had sat down, and it's basically the same thing, just reiterizing, reiterizing the, affirming the fact that we've got to move ahead with this.

John Stoll: Right.

Commissioner Nix: Okay. I'll get it out in a minute.

John Stoll: Basically, I'll say, in regard to that, Bart Mueller from INDOT basically said, to summarize what all we had found to date in a new letter, and have the Commissioners submit it to INDOT, and that should get the ball rolling on their end as far as what could be done, if anything, on their end.

President Musgrave: Okay, is there a motion to sign the letter?

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.

President Musgrave: Alright.

John Stoll: Thanks.

Madelyn Grayson: May we change the tape real quick?

President Musgrave: Yes.

(Tape change)

New Business/Old Business

President Musgrave: Okay, next on our agenda, if there's no other department head, is, Mr. Ziemer, did you have anything to report?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay. A reminder that we do not have a meeting on August 29th, that is the fifth Tuesday of the month, and we do not have meetings on the fifth Tuesday, and to ask the Commissioners to cancel the September 19th meeting, which has been advertised. The Association of Indiana Counties has the annual conference that day, and we have already been notified, as we've already announced that we'll be receiving an award for the Lynch Road project, along with the Warrick County Commissioners. So, I would like to attend that meeting, and I would like for you both to go as well. It's important to get to know our fellow Commissioners and fellow elected office holders. But, at the very least, I would like to cancel that meeting. Is there any objection? Or is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Shetler: As far as attending, I think that's September 19th, is that in South Bend?

President Musgrave: It's like September 18th, 19th and 20th, I think. It's a Monday, Tuesday, Wednesday. It's in South Bend.

Commissioner Nix: It's in South Bend?

President Musgrave: It's in South Bend.

Commissioner Nix: When are we going to have one in Evansville?

Commissioner Shetler: Maybe it will snow.

Commissioner Nix: I think we ought to push for that.

Commissioner Shetler: Yeah.

President Musgrave: We did push for that. They were talking about having, I can't remember if it was 2007 or '08 here, and we lost out to, what is the name of the casino just up the river?

Marissa Nichoalds: Belle Terra.

President Musgrave: Belle Terra. We were very disappointed. I know that the Convention and Visitors Bureau and SMG worked very hard to attract them here, and we lost that. So, we have to go to South Bend. Is there any other new business? Any old business? Any public....more old business, please come forward, Mr. Rector?

Dave Rector: This is new business.

President Musgrave: Oh, this is new business?

Dave Rector: Yeah.

President Musgrave: Oh, that's right. Here's SMG.

Dave Rector: This is one of your projects. Dave Rector, Building Authority.

Darren Stearns: Darren Stearns with SMG.

Dave Rector: We have the bids in on the meeting notification system for the Centre that you had approved funding for some time ago. We had sent quotations to four firms. We got bids in from two. We had site visits with two. You'll see there's quite a bit of difference. We got one quote in from DCI and one from Custom Sign. Both of them seem to be complying with our quotation request. Matt Arvay had a copy of this, but he's been out ill. I (Inaudible) voice mail today, and (Inaudible) went along the lines of the quotation so well, but he was sick and was unable to give you any of his personal feedback. But, with that, I'll let Darren answer, between Commissioner Musgrave and Darren, they have engineered what we're needing to do with this video system. I'm just the facilitator, getting the quotes and putting it in and getting it done.

President Musgrave: Is there a \$140,000 worth of difference between these two bids?

Dave Rector: Yes, there is.

Commissioner Nix: That's why they call it an estimate.

Dave Rector: This is one of those, where you'd really like to have had a third one to see where they fall out. When you've just got two and they're so extreme. It's, both of them, or the one is lower than the estimate we got, so we feel good about that. But, as to how it falls that higher one, but, obviously, we would want to go with the lower one.

President Musgrave: Are you comfortable doing that today?

Darren Stearns: We were comfortable with both companies, as far as the bidding process. I think, you'll see there was a big jump in some of the installation on one

bid compared to the other. We have both of those contractors, electrical contractors came in and looked, so.

President Musgrave: How do you feel about this?

Commissioner Nix: I would rather, I would like to look at this maybe a week.

President Musgrave: Two weeks.

Commissioner Nix: Excuse me, two weeks. This is the first I've seen of this. Is this going to hold—

Dave Rector: No, we just got those in, and I wanted, I e-mailed Commissioner Musgrave today to see if we wanted to talk about it. As I said, Matt Arvay was sick and hasn't personally reviewed them. They both seem to be complying with the quotation request, the equipment that we have. I think the big cost difference is, and I can give you the full quotes. I just gave you those sheets. The only reason I did is because they are in a binder and there's several sheets. Mr. Ziemer, would you like to see these?

Darren Stearns: It is itemized.

Ted C. Ziemer, Jr.: Sure.

Dave Rector: I mean, that way, and just so you know, once we do award it, they're guessing, between lead time on equipment and installation, probably a couple of months, six to eight weeks.

President Musgrave: Alright, well, why don't we take these under advisement until our next meeting. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

Dave Rector: I'll get you all full copies of it.

President Musgrave: All those in favor?

Commissioner Shetler: Thank you.

All Commissioners: Aye.

Dave Rector: Okay, thank you.

President Musgrave: The motion carries. Any other new business, or old business?

Public Comment

President Musgrave: Any public comment?

Consent Items

President Musgrave: We have consent items. On the consent items, I just want to call your attention, a taxpayer, Mr. Hyneman, has asked us to take his property off of our certificate sale. Our staff informed him that in order to do so, he would need to pay the taxes on that property. So, just so that you know that by accepting that letter you are accepting the discussion that he needs to pay the taxes on the property, and that's how we'll take it off the sale. So, is there a motion to accept the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We're adjourned.

(The meeting was adjourned at 5:01 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (1)	Health Department (1)	Public Defender (1)
Superior Court (1)	Coroner (1)	Circuit Court (1)
Prosecutor (1)	County Assessor (1)	VCCC (1)
Sheriff Office (2)		

Travel Requests:	Health Department (1)	Commissioners (1)
------------------	-----------------------	-------------------

Commissioners:

Letter from Robert M. Hyneman: Request to Remove Property from Certificate Sale.
EPD: Request for Waiver of Fees at the Centre: Not Overtime.

Auditor: Drawdown #1 of Funds for Knight Township CDBG Grant.

Treasurer: Monthly Report: July 2006.

Department Head Reports:

Burdette Park	County Engineer	Ozone Officer
Veterans Service		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Roberta Heiman	Tammy Barnett
Laura Howell	Linda Freeman	Brad Mills
Darrell Rice	Norma Duckworth	Dave Rector
Wayne Trockman	Dwayne Caldwell	John Stoll
Darren Stearns	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
SEPTEMBER 5, 2006**

The Vanderburgh County Board of Commissioners met in session this 5th day of September, 2006 at 3:31 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 September 5th meeting of the Board of Commissioners of Vanderburgh County. It is 3:31. We'll start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the August 22, 2006 Commission Meeting Minutes

President Musgrave: We have the minutes of August 22nd to approve. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

Approval of the September 5, 2006 Executive Session Summary Minutes

President Musgrave: I would also like to note, for the record, that we had an Executive Session today, discussing two items of pending litigation.

Economic Development Workshop Update

President Musgrave: Action items, we are going to take the economic development update first. That is coming under, I believe, old business, and I would like to

welcome Connie Fowler, of the IEDC. Connie assisted the Commissioners on our Economic Development Workshop last week. We had a number of attendees, but Connie had some remarks to make about the meeting itself.

Connie Fowler: Yes.

President Musgrave: Welcome.

Connie Fowler: Well, good afternoon. Thank you, Cheryl, President, for inviting me to be here today. I did have the pleasure to work with Cheryl, and her associates, Marissa and Carla, on planning the Economic Development Workshop. It far, far exceeded our expectations. I think when we originally started to meet, we thought we would be very fortunate if we had 50 in attendance. I don't know the final count, but it was well, well over 100, maybe 125, 150 or so. So, what that says to me is that there is certainly a lot of interest, strong interest in local and regional economic development. Certainly, the county and the city appear to be very ripe for change. I think there can only be good results if a city and county can come together on economic development purposes. I have had the occasion to work with the Department of Metropolitan Development, and most recently with the County Commissioners on several of our local and strong businesses. I don't believe anybody made the point last week, but 80 percent of all of the new job growth will come from existing businesses. That is certainly one of the focuses of the IEDC on a state-wide basis, is to help our existing businesses in Indiana expand, retain those businesses that are already here, and always to attract new businesses to the community. I can also tell you from previous experience as an economic developer of 22 years, in another state, I did work very closely to help adjoining counties start their economic development agencies, if you will, and working with consultants and brokers on a national level. When those consultants come in to a community, they do not see the county lines. They see, and they want to know three things, and we'll have the opportunity yet again tomorrow; (1) Can I get my workforce? (2) Can I get my raw materials to make my product? (3) and, then, Can I get my products out into my delivery area? That's what they're concerned about. They want to also know; Will I be welcomed in this community? Will my employees fit into the community? Will I be able to get those resources to make my company successful? So, I commend you on the opportunity to bring city and county government together on economic development.

President Musgrave: Thank you. Marissa, what was our final tally?

Marissa Nichoalds: It was 173 pre-registered, and we had about ten people register at the door the day of the workshop.

President Musgrave: Well, that's an impressive number. I know you were very grateful to a number of people for helping us, including you and Carla Hayden, our other staff member. Laura Howell of the GIS Department ran all of the electronics and made sure everything worked just fine. Vision-e, the newly forming Economic Coalition of Southwest Indiana, which you are going to leave us shortly to go to their very first board meeting. I think we'll even make you late, despite the fact that you'll be leaving as soon as possible. We're not sure why they scheduled the board meeting in the middle of the Commission meeting, but they did, and then they scheduled it at least a half an hour away, up in Princeton. So, Tom's going to drive according to the speed limit.

Commissioner Shetler: I'm actually hoping for some indulgence by the Sheriff Department on this issue.

President Musgrave: Good luck with that. The IEDC, and Lieutenant Governor, Becky Skillman, she came down and gave the keynote address, and gave us some very good information about the economic activity here, and the contribution of Governor Daniels' Major Moves program to road development is more than \$300 million she said is coming to Vanderburgh County alone in the Major Moves initiatives. Commissioner Nix, did you have anything to say?

Commissioner Nix: It was a good turnout, and there was a lot of different types of people there. There were business people there, there were realtors, I saw a few people from the construction industry there. So, just a really good turn out and a good mix of people, and look forward to having something like that again soon.

President Musgrave: Mr. Ron Keeping from Vectren, I told him that he would probably be at the microphone at a quarter of, and so, he'll be astonished to find that we moved a little further along, but he will probably be here shortly, and also to give an update. He was one of the presenters. Did you have some remarks?

Commissioner Shetler: Yeah. Cheryl, first of all, thank you, because you really did an outstanding job, put a tremendous amount of time and effort into making a huge success out of that. You know, I know the chamber has put on different events like this, and 25 to 40 people has been what they've expected over the years. To get 175 people there, it was just outstanding and stuff. So, it's very impressive. I-69 is the single most important economic development opportunity our community will enjoy in my lifetime. It will create thousands of jobs for Hoosiers. While Major Moves provides the funding, work remains to ensure that I-69 remains on track. I have attended about eight meetings monitoring the I-69 progress, and I will continue to push the state to make certain that I-69 is constructed on schedule. The economic development benefitting our residents does not stop at the county line, as evidenced by the number of Vanderburgh County residents that are enjoying the benefits of Toyota. Future economic development requires a comprehensive, regional approach to economic development. Industry interested in Southwest Indiana does not want to talk with multiple groups as they determine which site is best for their needs. The County Commission recently joined with the Mayor to ensure a regional approach by promoting the formation of the Economic Development Coalition of Southwestern Indiana, of which I am a member, and will be leaving very shortly to attend the first meeting. I appreciate the opportunity to be working for the county to attract good paying jobs that will benefit Southwest Indiana.

President Musgrave: Good luck to you.

Introduction of Commissioner Job Shadows from EVSC

President Musgrave: We will move now, I guess, we now have two shadows, Rick Yeager, Rick, what year are you in school?

Rick Yeager: I'm a junior, and I go to Reitz.

President Musgrave: A junior at Reitz High School. That's a good choice. And you?

Samantha Lorelei: I'm Samantha Lorelei, and I'm a junior at Reitz High School.

President Musgrave: Samantha Lorelei from Reitz High School. So, you're both shadowing, you're shadowing me, and Samantha you're shadowing?

Samantha Lorelei: Tom.

President Musgrave: Tom? So, that means you're going to drive up to Princeton with Tom?

Samantha Lorelei: No.

Commissioner Nix: She'll drive. She'll get the ticket.

Commissioner Shetler: That's a good deal. I'll work with that one.

President Musgrave: Well, welcome. I understand you'll be attending, both of you, all of the meetings that we have here in September? Then we might even get new shadows next month? So, we'll be shadowed. Okay.

Commissioner Shetler: Welcome aboard.

President Musgrave: And you don't get a shadow?

Commissioner Nix: I think next week, or the following week, I'm pretty sure.

President Musgrave: Okay, well, alright. Well, we'll look forward to it.

Ted C. Ziemer, Jr.: I would like to have a shadow.

Commissioner Nix: Our attorney would like one too.

President Musgrave: Our attorney wants a shadow.

Commissioner Shetler: I think I'll shadow you the next couple of weeks.

President Musgrave: He's going on vacation.

Burdette Park: 2006 Readers Choice Awards
--

President Musgrave: Alright, next on our agenda is Burdette Park. Mr. Craig, I understand you have some good news for us.

Steve Craig: Good afternoon. I'm Steve Craig. I'm the Manager of Burdette Park. I would like to present the County Commissioners of Vanderburgh County two awards, and these awards were given to Burdette, but, I think, that they should be given to every individual that works for Vanderburgh County government. They're the prestigious Readers Choice Awards, and I say that because these are awards that are voted on by the people that are in the tri-state area, and I can tell the Commissioners all I want how good a job I'm doing, but they don't have to believe it. But, when you kind of get these awards, I think, that it shows the cooperation between the Commissioners and the management and the employees of Burdette Park. That we're giving the people what they want. At this time I would like to give them these two awards. One of them is for "The Best Place for a Family Outing", and the other one is "The Best Place to Go on a Hot Day". Both of them are

platinum winners. One thing it says about these awards is some of the heavy weights that we were up against, and we beat some great competition in the tri-state. I'm just proud to present these to the Commissioners at this time.

President Musgrave: Thank you.

Commissioner Shetler: Alright. Thank you, Steve.

President Musgrave: We appreciate that. We're going to move the agenda around a little bit from the written notice. Thank you very much. Are you going to display these out at Burdette?

Steve Craig: I'm going to have a copy made to put at Burdette, and we're going to copy the Commissioners and the Council office.

President Musgrave: Okay, thank you.

Commissioner Nix: Thanks, Steve.

Steve Craig: You're welcome.

<p>Public Hearing/First Reading of CO.V-08-06-003: Vacation of 15' of PUE at 501 Metro Avenue</p>
--

President Musgrave: We have two ordinances to hear today. We have the public hearing, the first reading of vacation ordinance CO.V-08-06-003, the vacation of 15 feet of drainage easement at 501 Metro Avenue. This is requested by Morley and Associates for the petitioners Bruce and Karen Mortensen Family Trust. I understand that the County Attorney and others have reviewed this and that there are no issues with regard to it. Can we, do we have to take these individually? Or can I do both ordinances together?

Ted C. Ziemer, Jr.: Separately.

President Musgrave: Separately? Is there a motion on the first reading of this vacation ordinance?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor? Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Roll call. Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

Ted C. Ziemer, Jr.: Excuse me. Do you want to just see if there's any, since it's a public hearing, see if there's anybody hear that would like to say anything?

President Musgrave: You know, that might be a good idea. Is there anyone here in the public to speak to this? There wasn't, and we've already voted on it. So, that's good. But, we'll have a second hearing next week, and, again, if I remember, an opportunity to speak to it before we vote. I'm sure that your substitute attorney will assist me in that regard.

**First/Final Reading of CO.09-06-017: Amending Section 10.28.010:
Concerning Prohibition of Parking**

President Musgrave: Our second ordinance is CO.09-06-017, an ordinance amending section 10.28.010, concerning the prohibition of parking. Again, this is a first reading. Commissioner Nix, would you like to discuss this ordinance?

Commissioner Nix: Yes. Basically, there's been a tremendous amount of interest in the University Apartments out there, I guess, it's Eagle Village, on Schutte Road. The original ordinance for apartments stated so many vehicles per so many occupants. Or, for, there's a number of parking for every unit in the building, and because these are student housing, we seem to have had quite a bit of overflow of traffic. I'd gotten a call last week from a couple of people that live in the area out there to discuss what could be done about it. I think part of the problem right now is that on Stellar Drive there, actually using that for parking. I contacted Mr. Stoll about what we could do, and we had discussed possibly just an ordinance to cover this for the time being. That's basically what it amounts to.

President Musgrave: So, this ordinance will prohibit parking on Stellar Drive itself. Later on in the agenda, Mr. Mills will come forward and discuss a future possible ordinance, which the Commission might want to consider, to change the number of parking spaces required for student housing. But, that's not what we're voting on at this time. This is an ordinance for parking—

Commissioner Nix: Mr. Stoll?

Ted C. Ziemer, Jr.: I just want to remind you that the ordinance is designed to be approved waiving second reading, and approval on first reading. You'll need to have two votes on that.

President Musgrave: Okay. Mr. Stoll?

John Stoll: There were a couple of other changes on that ordinance as well. The old ordinance actually had a reference to Lynch Road between 41 and Oak Hill, and that's been in the city for many, many years. So, that was deleted. And, also there was incorrect wording on some parking prohibitions on St. Joe Road. We corrected that as well.

President Musgrave: Okay. So, what we will do is have, first, is there any public comment on this? I see none. First, we would need to have a motion to waive the second hearing.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. And, now we will have a motion to adopt the ordinance. Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

Approval of Expenditure of Funds: Video Meeting Notice System: Centre (Deferred Until 9/12/06)

President Musgrave: There are a couple of other matters on the agenda. There's an approval of expenditure of funds for the video meeting notice system. Mr. Rector, are you in audience? I do not see him.

County Engineer

President Musgrave: Mr. Stoll, I believe you have a bridge inspection agreement. Is that the only agreement that you have, sir? There are a couple of other letters as well?

John Stoll: The letter in regard to the bridge inspection is just to confirm your selection of Beam Longest and Neff to do the bridge inspection services. It's for the amount of \$129,300. Basically, that letter confirms that they're being selected, due to the fact that we don't have the qualifications to do the bridge inventory on staff, and they do have the qualifications. In conjunction with your approval of that letter, then I'll send it to INDOT, INDOT will then review the final agreements, and once they have approved the agreements, they'll return them back for your signatures for final execution.

President Musgrave: Okay. That does not require a vote then?

Ted C. Ziemer, Jr.: I think I would.

President Musgrave: Alright, is there a motion to approve that letter?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Do you have anything further that requires a vote?

John Stoll: There were just two letters. One to INDOT and one to attorney, Don Fuchs. Can we discuss those now? Okay. The letter to INDOT was in regard to the street plan approval for the improvements at State Road 57 and Ruston Lane, in conjunction with the Shoe Carnival warehouse site. INDOT received notification of your approval of the plans, but they wanted a separate letter indicating that the plans you had approved did not include a right turn lane for northbound traffic from Highway 57 onto Ruston Lane. So, the letter that I drafted for your signatures basically says that the plans that you approved did not include that lane, and I hope that will suffice as far as them being able to issue the permits on that project.

President Musgrave: Alright, is there a motion to sign the letter?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

John Stoll: The other letter was a letter to Don Fuchs, who is an attorney who represents the Hirsch Family out on the east side. The letter was put together to confirm that the county would construct Cross Pointe Boulevard across the Hirsch property, in exchange for the Hirsch's donation of the right-of-way needed for the project. The letter says that if the right-of-way was donated, there would not be any impact fees or any other mechanisms established to recoup the costs of the road project. It also asks for their concurrence with the proposed alignment of the project. We've asked for that concurrence or any changes they might want to see, notify us in writing of that by October 6th.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's it. Thanks.

**EMA: Planner & Exercise Coordinator Agreement: Brady Helms
BKD Representation Letter: Centre Audit
Health Department: WIC Grant Agreement: 2006-2007
County Clerk: Equipment Lease Agreement: Xerox**

President Musgrave: Then we have a series of contracts, leases and agreements. If I could ask your indulgence, if anyone has any comments on these, you can come forward, but I would like to take them all in one motion. The EMA agency planner and exercise coordinator agreement. It's identical to the one that was last year, except the client has been changed to a different name. The County Commissioners, the BKD representation letter for the Centre audit that will take place after the turn of the year. The Health Department, WIC grant agreement. It is for the WIC program, and it has been reviewed by the department and the attorney, and all is found to be acceptable. The County Clerk lease agreement for Xerographic Business Systems, again, everyone has reviewed it and found it acceptable. Is there a motion to accept the leases, contracts and agreements?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Now, Madam Secretary, do you see anything else on this that requires a vote or signature or action that I may have overlooked. Perhaps the consent agenda?

Madelyn Grayson: The consent agenda, and then the request from the Building Authority about the expenditure of funds for the Centre.

President Musgrave: Again, the Building Authority is not here.

Consent Items

President Musgrave: So, I would ask for a motion to adopt the consent agenda, at this point.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Mr. Shetler?

Commissioner Shetler: Yes.

President Musgrave: The motion carries. I've tried to get through the voting here. The expenditure of funds. I want to hold off on that until I hear the report of which bidder we are awarding that contract to.

Purchasing: Report of Bids: APA-041-2007: Road Salt

President Musgrave: Is Purchasing, Debbie Spalding here for her report on the bid opening at the Board of Public Works, APA-041-2007? Debbie Spalding?

Debbie Spalding: Good afternoon. Before you, you should have a bid tabulation form from the road salt bids. They were accepted and opened by the Board of Public Works on August 31st. You see the results of those bids in front of you. Cargill from North Olmstead, Ohio, their price per ton of road salt was \$52.95. They did opt to vote for option one, which I will go over in a second and tell you what that is about. Detroit Salt did not provide a bid. International Salt did not provide a bid. Morton Salt is bidding \$43.90 per ton. They are out of Chicago, Illinois. And North American Salt out of Overland Park, Kansas is bidding \$43.68 a ton. You will notice at the bottom of the bid tabulation, I did look to see who the award was for last year, it was through Morton Salt, and the price that was paid last year was \$42.17 per ton.

President Musgrave: And what are we paying this year?

Debbie Spalding: That's \$42.17.

President Musgrave: I thought that was last year's as well. So, we just accept these by vote? Or just a report?

Debbie Spalding: We would like Mike Duckworth and Ed Ziemer to look over the bids before, so, we would like for you to take them under advisement.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. We'll take them under advisement. Thank you, Mrs. Spalding.

Debbie Spalding: Thank you.

Superintendent of County Buildings

President Musgrave: Marissa, did you have anything further on your report of the workshop?

Marissa Nichoalds: Nothing other than I do have the checks that we received for the lunches. I would like to submit those to the Auditor's office. They totaled just over \$1,900. Those should be in the Economic Development line item in the Riverboat Fund.

President Musgrave: So, we're going to quietus those back into that, and then expend out the funds as necessary. We have a letter and a questionnaire going to the meeting participants. A late permission to travel for me and Burdette Park head, Steve Craig. We have a meeting in Indianapolis with the Department of Natural Resources on the 15th to discuss the changes that they're making to the application procedure for bike path funding, essentially, and to see whether or not there are any changes that can be made to this year's funding process. So, if we could have a permission to travel, Commissioner Nix?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Was there anything else?

Marissa Nichoalds: Just the other letter to the Junior League.

President Musgrave: Yes. We have a letter to the Junior League, which I know I have here in my papers somewhere.

Madelyn Grayson: Here's an original.

President Musgrave: Thank you. This is a letter of recognition to be given to the Junior League—

Madelyn Grayson: Commissioner Musgrave, is your microphone on?

President Musgrave: It's on.

Madelyn Grayson: I'm sorry.

President Musgrave: You've trained me very well. For the opening, it's role in the opening of the Louis T. Koch Family Children's Museum, at it's inaugural gala. I will not read this, as we are still under a small time crunch. Commissioner Nix must go catch a flight, but this is to celebrate the Junior League's 80th anniversary, and all of the activities that they've done throughout their time, particularly helping to get this children's museum started. If there is a motion?

Commissioner Nix: So moved.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

County Attorney

President Musgrave: Mr. Ziemer, do you have a report?

Ted C. Ziemer, Jr.: I do not.

President Musgrave: Okay. And, none of the other department heads have a report.

New Business

President Musgrave: We have new business. I've invited Mr. Brad Mills from the Area Plan to come and discuss more about the situation of the parking problem at the apartments on Schutte Road, which were built, I believe the information we were given, and this Commission was not in place at the time that they were rezoned for apartments, but I understand that they were built with the intention of just being ordinary apartments, and they have since become student apartments with, is it four students per unit?

Brad Mills: Yes.

President Musgrave: Okay. I had a question, I believe, perhaps a year ago when Mr. Moore, the builder, came to update us on the changes between his original intention and what was finally built, and discussed it, I believe, with you and some other members of Area Plan about perhaps a new ordinance, or a changed ordinance that we could have that would specifically address student housing for universities. You have some more facts in that regard.

Brad Mills: Yes, that's correct. We did discuss that at Area Plan Commission. We discussed it in the October meeting, and the November meeting, and, once again in January of this year. We had proposed some wording which would include off-campus student housing, as we were calling it, in Use Group Six, and with that, that would require one parking space per bed. Now, from the two meetings in October and November, we discussed it, we came up with some wording, we presented that to the Plan Commission members, there was discussion about forming a committee to help to define what off-campus would be. The Plan Commission kind of let it just go by the wayside. There was never any official action taken on it, and it's just been kind of sitting in limbo. So, I would be happy to take it to Plan Commission, ask them to resurrect that, see if we can't iron out some of the wording, and definitions of off-campus housing to meet some of the concerns of the Plan Commission members so that we could bring that to you.

Commissioner Nix: Mr. Mills, what's the current ratio for apartments right now, parking per bedroom, per facility? How does that work right now, the ratio?

Brad Mills: It varies from one bedroom up to three bedroom. A three bedroom would be two spaces for a three bedroom, and one bedroom is only one and a half. Then, once you get over three apartments, then you have to have one space for visitors. So, if you had, with the student housing out at Eagle Village, if they have four bedrooms, they would only be required to have two spaces. So, you would only be at about 50 percent of what the demand would be if every tenant had a car.

Commissioner Nix: Okay. I guess, would you look at also, let's just say that someone would renovate a building, and it was zoned for apartments, depending on

the use of the building, that may fall into the same category, if it's going to be turned into a dorm, if you will. Not necessarily a dorm, but student housing.

Brad Mills: I think we would like to take a look at that and see what we could do, so, if there is a change in the type of the use, if we need to make a different classification. Because, now an apartment is an apartment, and if it would then fall into this new Use Group Six, then a change of occupancy would have to be done, and then it would have to apply for that same parking requirements, yes.

President Musgrave: You had discussed with me that what we're contemplating would never have any effect on USI, for example, because that's a state university, and we do not regulate state facilities. So, state built student housing is out of reach of a local zoning regulation, is that correct?

Brad Mills: That is correct. We do not regulate state owned property. We have no jurisdiction in that area. So, USI, that wouldn't apply at all. With this also, we were looking at off-campus, so, that would also allow U of E, for example, to fall into those same requirements, that they would not have to have one per bed. As you know, a lot of students that live on campus don't necessarily have a car, so, they wouldn't necessarily need to have a parking space for each of their beds as well. So, that would exclude the University of Evansville as well for University of Evansville owned property and dorms.

President Musgrave: So, this would apply to private developers—

Brad Mills: Correct.

President Musgrave: —developing off-campus?

Brad Mills: Off-campus, as we're calling it.

President Musgrave: Alright, I do want this to be brought, I don't know, what's the opposite of "in limbo"? Back to life, perhaps?

Brad Mills: Resurrected, yes.

President Musgrave: Resurrected? That we've had a serious situation on Schutte Road.

Brad Mills: Alright.

President Musgrave: And, I understand though that Mr. Moore is in the process of building additional parking. Do you know how long that will take?

Brad Mills: We had a parking lot plan come through the site review committee, I believe it was August 9th, and he's adding a number of spaces. I think around 95 spaces or so. That is supposedly going to be done within a month and a half or two months, weather permitting, based on a conversation that I had with Mr. Moore. So, it should be soon.

President Musgrave: Is 95 spaces, will that be enough?

Brad Mills: Yes. He would have sufficient parking then to take care of the units.

President Musgrave: And, that would mean if we, our ordinance that regulates no parking on, is it Stellar Drive?

Commissioner Nix: Stellar Drive.

President Musgrave: So, those students would only be inconvenienced for a short time?

Brad Mills: Yes. He has put some gravel, I believe, in front of that area. There's an existing home at the end of Stellar that he's put gravel, to allow parking, but, it's more convenient, obviously, to park closer to the ones right there by the apartments, than to go over there. So, your signs will push those people into an area that he's already graveled, to allow them to park.

President Musgrave: Okay. Well, I look forward, as the Commission representative on Area Plan, to having this ordinance completed. Because I was made aware of another developer who did want to make a different application, separate from the one that was filed last year, and this was maybe two or three months ago now, on that piece of land at the intersection of the Lloyd and University Parkway. The one where it was just denied recently, but, I think that they will be coming back, I think we'll be faced with this situation again, and I would like to have some more regulation in place, so that we don't have this same situation occur, and to make it retroactive. Because, Mr. Moore did develop those apartments saying one thing, and then something else came into being, and I would like to be able to (inaudible) touch people who say one thing and then end up building something else.

Brad Mills: Alright. Thank you.

Commissioner Nix: Thank you.

Ron Keeping: Vectren: Economic Development Workshop Update

President Musgrave: I see Mr. Keeping has joined us. Mr. Keeping, we took it first, and if you have some additional words, because Mr. Shetler had to leave to go to the coalition meeting, which, as you know, was scheduled at 4:00, right in the middle of our Commission meeting, without input from the Commissioners. Because, certainly, we would not have chosen that time. But, we would appreciate any remarks that you would care to make about the workshop that you helped present. Connie Fowler was here, and she contributed her thoughts earlier.

Ron Keeping: I would be happy to. I'll be brief. I'm Ron Keeping. I'm Director of Economic Development for Vectren. I participated in the workshop last week on economic development, that this Commission helped start, or got off the ground. I'll say one thing, to start off I'll say that there is a regional effort to sponsor workshops like this all over the southwestern part of the state. It got some state grant money. I heard the coordinator for that program, I think she said it to me afterwards, "There's no sense in us coming to Vanderburgh County. You did it better than we could have done it." So, it was a great conference. You lead off with the two giants in economic development, Gary Malone and Buddy Downs. They are Babe Ruth and Ty Cobb when it comes to this kind of stuff. Great presentations on their part. The middle of the batting order was maybe not as good, but it was good to hear about the new automatic tax abatement, as some people are referring to it. I think I'm going to have to hear about it a lot more before I start to really grasp it. As you know, you

wound up with the three locals who talked. Connie's presentation was great. It talked about the state. Jim's presentation was interesting, but I talk to Jim all the time, and everything he heard, he talked about, I had heard before. My presentation was real interesting, because I'd never heard any of that stuff before, because I was making it up as I went along. But, all in all, I think that the, as everyone who was there would say, the most interesting thing about that workshop, besides the content, was the turnout that we had. There is a huge interest in economic development, whatever it takes to grow our region, we all are interested in. I'm sure, as everyone here saw, there were people from all four counties there in attendance. So, good for you, Commissioners. It was a job well done. I look forward to helping to the extent I can in future workshops, in cooperation with the coalition as they get their legs under them.

President Musgrave: Alright. Thank you. Now, I know that Marissa Nichoalds has put many of the presentations that were made on power point on our website, and you can go to Vanderburghgov.org and select the Commissioners front page, and, I believe that's on the front page there. So, if you were unable to attend and wanted to see some of the power points that were there, of course, we don't have a video of your remarks.

Ron Keeping: Good.

President Musgrave: They will have to forego that pleasure. Thank you for your help.

Ron Keeping: Alright.

President Musgrave: I look forward to working with you on further workshops.

Commissioner Nix: Thank you.

President Musgrave: Very interesting.

Madelyn Grayson: Commissioner Musgrave, there is one other document here, and I don't recall if you made a vote on. It's a booking confirmation for the Centre, waiving the fee for that economic development workshop?

President Musgrave: We voted on that some time ago.

Madelyn Grayson: Okay.

President Musgrave: I would have to ask Marissa to look that up for you later.

Madelyn Grayson: Okay.

President Musgrave: We did do that. We already approved that. The tax certificate sale update is the last item that I see on the agenda, besides Mr. Rector's report, and I'm afraid we're going to have to table Mr. Rector's report until our next meeting. Marissa, you have the sale update.

Marissa Nichoalds: Yes, I do. The next tax certificate sale is September 21st. It will be in room 301, and it starts at 10:00 a.m. There are about 60 to 65 properties that will offered for sale at this sale. You can view all of those properties at the following website, taxcertificatesale.evansvillegis.com. The

minimum bid is one dollar, plus any administrative fees, which are set at \$75. There are a lot of legal stipulations when it comes to these types of sales, so all properties are sold with a disclaimer, buyer beware. The buyers are responsible for doing their own title searches, (inaudible) information (inaudible) properties.

Commissioner Nix: Is that link also on our website?

Marissa Nichoalds: Yes, you can link to that from the Commissioners home page.

President Musgrave: Just like last year, we're having some help from the Sheriff's Department. Ms. Kim DeWitt will be here to conduct the sale. The way Sheriff's sales are conducted, but it is a tax certificate sale. The Commissioners hold the certificates, and we can offer them for sale. Our minimum bid again is one dollar.

Public Comment

President Musgrave: Is there any public comment? We've reached the point in our agenda for that. I see none. Does anybody notice anything that I have omitted from the agenda. Is there a motion to adjourn?

Commissioner Nix: Do we want to approve the consent items?

President Musgrave: We did.

Commissioner Nix: Okay, we approved those? So moved.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye.

(The meeting was adjourned at 4:08 p.m.)

CONSENT ITEMS:

Employment Changes:

Cumulative Bridge (1)	County Highway (1)	Health Dept. (1)
Burdette Park (5)	Centre (1)	County Clerk (2)
Auditor (1)	Prosecutor (1)	Surveyor (1)
VCCC (2)	Area Plan Commission (1)	

Travel Requests:

Commissioners (2)	SWCD (1)	Health Dept. (5)
Legal Aid (1)	County Engineer (1)	

Commissioners:

Evansville ARC: Monthly Report: July 2006.
SMG Banquet Event Order: Economic Development Workshop
Department Head Meeting Notes: 8/22/06.

Treasurer: Year-to-Date Investments: July 31, 2006

County Clerk: Monthly Report: July 2006.

Auditor: August Financial Statement.

Public Defender: State Public Defender Commission Reimbursement.

County Engineer:

Pay Request No. 1: Integra Acct. 4314: Green River TIF Projects: \$47,819.22

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr. ¹
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Steve Craig	Debbie Spalding
John Stoll	Connie Fowler	Ron Keeping
Brad Mills	Others Unidentified	Members of Media

¹ Commissioner Shetler left the meeting at 3:56 p.m.

**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
SEPTEMBER 12, 2006**

The Vanderburgh County Board of Commissioners met in session this 12th day of September, 2006 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 Vanderburgh County Board of Commissioners meeting for September 12th. It is 3:30. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

Kathryn Schymik: Kathryn Schymik from the office of the County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the September 5, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of September 5th?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Introduction of Job Shadow from EVSC

President Musgrave: Our action items today, I would like to introduce my shadow, back again for a second week, Mr. Rick Yeager. Welcome. If you want to shadow closer, you can. Or shadow closer to the table. You can sit up here if you like.

**Second/Final Reading of Ordinance CO.V-08-06-003:
Vacation of Public Utility Easement: 501 Metro Avenue**

President Musgrave: We have as our first action item the second and final reading of ordinance CO.V-08-06-003, the vacation of drainage easement at 501 Metro. This week I will remember to ask for public comment. Is there any public comment on the vacation of this drainage easement? I see none. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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. Show that the motion carries and that the ordinance is granted.

**Permission to Open Quotes: VC06-09-01:
Hogue Road Culvert #771 Repairs**

President Musgrave: The County Engineer is asking for permission to open quotes VC06-09-01, Hogue Road culvert number 771 repairs. Do you have any comments? Is there a motion to open the quotes?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Permission to Award: APA-041-2007: Road Salt

President Musgrave: Purchasing is asking for permission to award the bid for the city-county road salt, APA-041-2007. Would you like to come forward and discuss? We have Ms. Debbie Spalding from Purchasing.

Debbie Spalding: Thank you. At the last meeting you were made aware of the bids for the road salt. You have in front of you a bid tabulation form that shows what the

bids were and our recommendation is to go with the low bid, American Salt. Their price per ton is \$43.68, and you'll see at the bottom of the page that last year we were paying \$42.17 per ton. So, there's a slight increase.

President Musgrave: Alright, are there any questions? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

Redemption of 912 East Cherry Street: Tax Certificate Sale

President Musgrave: On the agenda also is the redemption of 912 East Cherry Street, tax code 11-280-24-049-024. This property's taxes have been paid in full, and the request is for us to take it off our tax certificate sale. I'm asked to remind everyone that the redemption period for these properties has passed. If you have a property of interest on this tax certificate sale, which is set for, is that September 21st, at 10:00 in this room, you must now write a letter to the Commissioners asking for permission to do that, which we will consider at a regular meeting such as this. Ms. Schymik, do we need to vote on removing this one from the sale?

Kathryn Schymik: I think just, not a roll call, but just a voice vote.

President Musgrave: Okay, is there a motion to remove this property?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Approval of Expenditure of Funds: Video Meeting Notice System: Centre
--

President Musgrave: Approval of expenditure of funds, video meeting notice. Mr. Dave Rector is with us this week to discuss the video meeting notice bids that we received a few weeks back for the Centre.

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. As you stated, we reviewed this a couple of weeks ago, I believe you tabled that for further review, and had Matt Arvay look at them. I've talked with Matt, and we have gone back over them with Darren Stearns at SMG, and we believe that the low bid does meet what we asked for quotes for, and recommend that we award the \$143,684, plus the alternates that we select to Digital Connections.

President Musgrave: Are there any questions? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you.

President Musgrave: How soon will that be installed?

Dave Rector: We'll get it on order this week, and he said about a four to six week lead time on the equipment.

President Musgrave: So, what the public will see when they go into the Centre after that's installed, maybe in a couple of months time, what will that be like?

Dave Rector: We'll do away with the tripods, and the poster boards, and the, what I would refer to is when we go to these conferences in hotels, they'll have televisions screens with all the meeting notices on it, and anything, each t.v. can have it's own separate notice too, or the same, however they decide to do it. That's controlled by SMG. They (Inaudible) the notices and putting them on (Inaudible). Into the 21st century.

Discussion of Signage at the Centre

President Musgrave: Are our signs for the building—

Dave Rector: Thank you. The signs are waiting to be ordered. We have the BZA hearing on the 21st at 4:00 that I'm hoping maybe one of you could maybe come to show support. I'll be there to plead our case. I don't anticipate a problem, but I think your support might go a long way with helping get that done.

President Musgrave: Do you want to do that?

Commissioner Nix: I can, what's the—

Dave Rector: 4:00, in here.

Commissioner Nix: What day is that?

Dave Rector: The 21st.

President Musgrave: It's a Wednesday.

Dave Rector: Thursday, I'm sorry, the 22nd.

President Musgrave: It's on Thursday, the 22nd?

Dave Rector: Yes.

Madelyn Grayson: Thursday is the 21st.

Dave Rector: Okay.

Commissioner Nix: I'll be out of town on the 20th, but it is the—

Dave Rector: It's the Thursday of next week.

Commissioner Nix: Okay, that's good. At 4:00?

Dave Rector: At 4:00. We've sent all the notices. We had like 40 certified letters we've sent now. We've done that, complied with BZA requirements.

President Musgrave: Okay, and these are for the big signs that say, "The Centre"?

Dave Rector: Yes.

President Musgrave: On the four corners of the building, so that passersby—

Dave Rector: And then the small ones above the doors that say, "The Centre".

Commissioner Nix: Is that the final—

Dave Rector: That way you've exceeded the signage by the zoning that's at the Centre.

Commissioner Nix: That will be the final hurdle before we could actually get started with it?

Dave Rector: Yeah.

Commissioner Nix: Installing it.

Dave Rector: I don't want to be premature and order them without (Inaudible).

President Musgrave: No. Anything else?

Dave Rector: No.

President Musgrave: Alright. Thank you.

Dave Rector: Thank you.

Industrial Development Block Grant: Brake Supply
DADS Interpreter/Translator Agreement: Melody Nelson
Veterans Service: Simms Painting Contract
Veterans Service: Rasure Flooring Contract
Perpetual Highway Easement: Bonnie & Wayne Fehd (Deferred)
Perpetual Highway Easement: Big Shoe Properties (Deferred)

President Musgrave: Contracts, agreements and leases. We have several contracts, and if the Commissioners desire we could make one motion for all of them. I'll just list them. The State of Indiana Industrial Development Grant Fund, grant for the Brake Supply. If you'll recall, the state is putting \$59,000 toward that project's infrastructure and improvements, and the paperwork is coming through for that. The DADS interpreter/translator, it has been reviewed, it's identical to the previous agreement except for a fifty cent increase in the fees for the typewritten pages. We have two Veterans Services contracts, and, oh, I see that we have our other shadow, Samantha Loehrlein has joined us, she is shadowing Commissioner Shetler. Veterans Services having two contracts that Council approved funding for a few weeks ago for improvements to the rooms that they are in. The County Engineer offers a perpetual highway easement from Wayne and Bonnie, is that Fehd? Wrong name?

John Stoll: Right name, but the easement has not been signed off on that as of yet. So, we don't have it here today.

President Musgrave: Okay, strike that then, from the motion then.

John Stoll: Same with the other easement from Big Shoe Properties LLC.

President Musgrave: Alright, then I have listed the contracts, agreements and leases, is there a motion to accept them?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: We come now to the point on our agenda for department head reports. I see a couple, are there any reports? Mr. Stoll, the County Engineer?

John Stoll: I just have one item, and that's to request approval of the street plans for Chadwick Estates Subdivision. It's located off of Peck Road, and the engineer was Easley Engineering. They made all of the changes that we had requested, so I would request approval of the plans.

President Musgrave: Do you have any questions?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Any other department heads? I see no other department head reports.

New Business

President Musgrave: We have some new business. In the packet today is a letter of invitation to Senator Lugar. A couple of weeks ago I attended Senator Lugar's energy summit at Purdue University, where he spoke about the need to replace our dependence upon foreign oil. Given the fact that we are having two, or possibly more ethanol plants locating very nearby, in the next county, I thought it would be a nice program for him to bring to southern Indiana, hopefully, to Vanderburgh County. This letter is a letter of invitation for him to do just that. Hopefully, he can bring his message here during this year, but if not, then next year. For he intends to make this work, apparently the major portion of his work in the next four years. So, I would like to send this letter of invitation to Senator Lugar to come, if that meets with your approval.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. We have notice of a special meeting on Thursday this week, September 14th at 9:00 a.m. in this room, room 301. This is the special meeting for the sole purpose of awarding the computer contract, and it will be aired and recorded just as all regular meetings of the Commission are. So, if you can attend, in this room, 9:00 a.m, 301. Morgan Avenue intersection update. I see our Surveyor, Mr. Bill Jeffers here. We received word this week that the project that Bill Nix, Commissioner Nix, and Surveyor Jeffers and others, John Stoll, have been working on, and have some good news. I'll let you report that, if you would like, Commissioner.

Commissioner Nix: Go ahead, Mr. Jeffers.

Bill Jeffers: Well, basically, as the Commissioners know, and for anyone else that doesn't, the Commissioners authorized a flood plain study that was completed by Morley and Associates this year. It established the flood plain for the eastside commercial area, basically from Green River Road east to I-164, how high the flood water would get during a 100 year storm. It also identified culverts and bridges that obstruct the flow of storm water runoff from that heavily developed commercial area. It identified those culverts that artificially raised the flood plain even more than what's necessary. Without this study we wouldn't be able to substantiate our claim that the

culvert at Green River Road is one of those culverts that obstructs the flow and artificially raises the flood plain, causing developers and property owners to have to bring in extra dirt from Warrick County and fill in to build. So, what, we have already met, Commissioner Nix, who is President of the Drainage Board, County Engineer John Stoll and I have met with Bart Mueller from Indiana Department of Transportation. John has scheduled another meeting with Mr. Mueller, and one other representative for Thursday, September 21st at 11:00 a.m. to discuss their plans. Hopefully we've convinced them that their plan for the widening and improvement of Green River Road and Morgan Avenue should include a new culvert, a larger culvert to carry more storm water off, out of this area, so that, and, basically, we just want to thank the Commissioners all together. Your support of this matter, which is of the greatest importance to landowners, developers, and shoppers who enjoy the goods and services that are available to us out east of Green River Road. This will make a safer, and it will make it less expensive to develop that land, if we get that culvert replaced (Inaudible).

Commissioner Nix: I guess, our preliminary meeting we had with Mr. Mueller, he indicated that the state was willing to work with us on that. I think that this meeting on the 21st should, maybe we should have more information on their plans and what they're going to be doing then?

John Stoll: They plan to bring their consultant, which is RQAW Corporation out of Indianapolis down to review the data that was in the Morley study, and tried to get an estimate as to what it will take to fix the culvert, what kind of study and design work they will have to do. Based on what they told me, in addition to the same people that met last time it will also be their design consultant, which (Inaudible).

Commissioner Nix: I'm going to commend both of you on your forward thinking on this, because this is something that could have really easily slipped through the cracks. This project could have moved forward without any input from you two guys, and, I mean, it's made a difference, hopefully, we can get this moving.

Bill Jeffers: Like I said, without the study that you commissioned for the eastside flood plain, we would not have been able to substantiate our claim and our concern. So, that's really what is the key to making the improvement.

President Musgrave: I would like express my appreciation to INDOT for taking the time to sit down and go over the information. They were to have done a bid letting, I believe, in September, this month, and they have pushed that back in order to accommodate this information, which is new to them. Perhaps we'll see this improvement take place maybe next year. I understand you can't do any construction in the winter. So, it has to be pushed back a little bit further then, just a few months. So, thank you very much for your work.

Bill Jeffers: Thank you.

President Musgrave: We look forward to the results of your next meeting.

Reading of Quotes: VC06-09-01: Hogue Road Culvert #771 Repairs

President Musgrave: We have a bid opening. Ms. Schymik, would you like to tell us about those numbers?

Kathryn Schymik: Yes, on the Hogue Road culvert repair project, J.H. Rudolph and Company submitted a bid of \$51,285; and CCC of Evansville, Inc. submitted a bid of \$22,736.84.

President Musgrave: Is there a motion to take those under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Old Business

President Musgrave: We move now to old business. Mr. Steve Craig, the head of Burdette Park and I will be traveling to Indianapolis this Friday to meet with the director of the Department of Natural Resources, Kyle Hupfer. This meeting is designed to plead our case for the bike path funding for Burdette Park, and also to have a better understanding of the application process, and why projects that were submitted last year received funding and Burdette Park's application for the second year in a row received none. I will be sharing with them a copy of a map that was created showing those applications, applications made from around the state, many from the southern half of Indiana, and applications from the northern half of Indiana enjoyed funding totaling \$17 million, a little more than that, and the southern part of the state received four million dollars in funding for our bike path requests. So, I will be asking how we can better our achievement record, at least in Vanderburgh County if not the whole southern part of the state. We come now to the portion of our meeting for public comment.

Commissioner Nix: Madam President? Before we get to that, I've got one other thing. I don't know if this would be under old or new, but I've got a pay application here, or pay requisition number 82 for the jail. It's actually, the bulk of this is for work on the maintenance facility at the perimeter, or at the rear of the jail. There are a few other items on this, but I would recommend approval. It's in the amount of \$184,129.64.

President Musgrave: Does that represent payment in full for that?

Commissioner Nix: No, it does not. No, it's a pay req. There will be a couple more coming after that. This is a partial to Peyronnin. Like I said, there's some other items in this also.

Commissioner Shetler: Do you have any idea, roughly, what kind of balance that is going to leave us in that?

Commissioner Nix: I'm thinking somewhere around \$300,000 or so. Are you talking about in the contingency?

Commissioner Shetler: Yeah.

Commissioner Nix: I can get that for you next week.

Commissioner Shetler: But, roughly three?

Commissioner Nix: \$300,000.

Commissioner Shetler: Okay.

Commissioner Nix: That's Mr. Rector, I see he's gone, but I'll get that.

Commissioner Shetler: That's fine, I was just wanting the ball park.

Commissioner Nix: It may be a little higher than that right now, I'm not really for sure.

Commissioner Shetler: Alright, thank you.

President Musgrave: My memory may not serve, but I thought that the total amount for that facility was more like 119. That's the facility where they're keeping the lawn equipment and that sort of thing?

Commissioner Nix: I think it was a little bit more than that. I don't have that exact contract amount here. But, like I said, there are quite a few things on there for the jail also. We purchased a lift, like I said, there's, had some work done on some things inside the jail also.

President Musgrave: Oh, that would come from a different?

Commissioner Nix: Yes, uh-huh.

President Musgrave: Okay. We will amend the consent items to include that in just a moment.

Public Comment

President Musgrave: I believe we have a gentleman here who wishes to address the Commission under the public comment portion of the meeting. That would be you? Please state your name for the record, please.

William Ritzert: I'm William J. Ritzert. I have land at the end of Voight Road. I've been there for 45 years. I've seen a lot of water come and go. But, anyway we seen this spring, you know, we had this high water, and it created a problem there of traffic down Oak Hill, because the traffic couldn't get to Green River Road, because Millersburg Road floods out before Green River. The traffic has to go down Oak Hill. Okay, I would like to see if we couldn't get Millersburg Road developed, elevated for over to Green River Road, because on Sunday there's about 1,100 cars or 1,000 that goes to church there. We have a Sheriff there directing traffic in and out as it is, and through the week I imagine that there's at least 1,000 cars a day that goes across Millersburg Road from Oak Hill over to Green River Road. We have high water it will all go down, trickle down Oak Hill. We have a problem at that end there. Also, if we go that route, it would be really nice if we could run Millersburg Road all the way over, because it connects Oak Hill, Green River Road and run it into Burkhardt. That way it would take the whole corridor off, and the people could, traffic could be fed into our residential and commercial areas without going down Oak Hill.

That's a necessity, Oak Hill, there. It would be really nice if we could get that done, but I'm sure that's (Inaudible) process. But, it's an idea. But, the main thing, if we could get Millersburg Road elevated, maybe. They've cleaned out the ditches. Now, they've done a nice job on that, but if the ditches are running full at the present time, and if a lady or man with these kids strapped in the back of the car and they go off into the ditch, I doubt if they could get them out before they would drown. That's how vicious it is right now. The ditches are five to six foot deep, and about eight to ten foot across the top. There's no guardrails. Well, they just cleaned the ditches out and there's no railing there at the time. I have seen cars in the ditch lots of times. But, it would be really nice if we couldn't get something done.

Commissioner Nix: Does the road have a tendency to flood further to the west on Millersburg? Because I know right in front of the church there, it seems like it goes up quite a bit.

William Ritzert: Well, yes, it's on the west side of the church.

Commissioner Nix: Okay.

William Ritzert: Towards Oak Hill.

Commissioner Nix: Okay.

William Ritzert: It's in between the church, there at the bridge, the bridge is out of the flood plain, I'm sure it is. They done a nice job on that a few years ago, but that (Inaudible) plant there at the corner and they've elevated that, and the bridge also. It (Inaudible) the flood plain, but (Inaudible) it floods clear over towards Oak Hill.

Commissioner Nix: There's a natural drainage swale there, just west of there, I believe, I'm not for sure what that's called.

William Ritzert: Yeah, that's Furlich Creek.

Commissioner Nix: There you go. Okay, and that's where it floods, basically, out of the creek there?

William Ritzert: Yes, right. Across that low land there.

Commissioner Shetler: Now, that intersection, Millersburg and Green River is scheduled to be redone, probably in a year, 15, 16 months, something like that. That's when they will probably begin on that. Millersburg is going to be raised, what, nine inches, a foot?

John Stoll: Three feet.

Commissioner Shetler: Three feet?

William Ritzert: All the way across to Oak Hill?

Commissioner Shetler: No, not that far down. Probably, what a hundred, a hundred and fifty feet down Millersburg?

John Stoll: It runs, right at the intersection is where the raising of the road will take place, it's approximately three feet. The limits of Millersburg work actually runs out

to the crest of the hill, just east of the church. So, it won't pick up the areas that Mr. Ritzert is talking about.

Commissioner Shetler: Right.

John Stoll: As far as what floods right now. I believe—

Commissioner Shetler: Will it make it worse? Because you're going to be putting, or not—

John Stoll: It shouldn't.

Commissioner Shetler: Okay.

John Stoll: Ultimately, it all ends up in the same, it's all part of the same—

Commissioner Shetler: It will just get there faster is all?

John Stoll: Just different ditches drain the water at the intersection versus what's back here at Hedden where the road gets inundated.

Commissioner Shetler: Of course, then once Green River Road is all done there could be a whole lot of changing, because the drainage will be following along with all the plans of the road and everything on there too. So, there's going to be quite a bit of changes take place in the next 16,18 months as well. But, I think that is something that we need to keep our eye on for what he's, you know, addressing there too.

John Stoll: (Inaudible) the work that we are doing on Green River won't address the flooding issue. That will have to be a separate project. (Inaudible) that hasn't been looked at in the past. That's something we can take a look at, but right off the top of my head, I know the city was in the process of annexing out here in the vicinity of Millersburg-Oak Hill, and I just don't know whether that ever got finalized. If it did, what parts of the road will be the city's versus the county's, and whether or not there would have to be some sort of joint project (Inaudible) route or not. So, there's a bunch of unknowns; whether or not we have sufficient right-of-way that you could raise the road without having to go through significant right-of-way acquisition process and things like that. So, that's the kind of stuff that we would need to look at to address the flood issue out there. We can certainly look into it and see what we can find out and report back to you.

President Musgrave: Would you please?

John Stoll: Sure.

President Musgrave: Do you have his contact information?

John Stoll: I just got his phone number a minute ago.

President Musgrave: Okay.

Commissioner Nix: I guess, just for the record, maybe we can have it on next year's road hearings. We can make that an item that we can address now, and then also then too. Maybe look at it again.

President Musgrave: Thank you, sir, for coming. We'll look into it and report back.

Commissioner Nix: Thank you.

President Musgrave: Would you make sure you get his address as well? I know he said it on the record.

John Stoll: Will do.

President Musgrave: Alright. Thank you.

Consent Items

President Musgrave: We have another item to amend the consent agenda with. I have thank you letters for the presenters that came to our economic development workshop. I would like to go ahead and add them to the consent agenda so that those may go out today. So, is there a motion to amend the agenda with the two items that we have discussed?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adopt the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there any further business?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We are adjourned.

(The meeting was adjourned at 3:58 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (2)	Health Department (2)	VCCC (1)
Superior Court (1)	Pigeon Assessor (1)	Circuit Court (1)
County Clerk (1)	Dental Clinic (1)	

Travel Requests:

Health Department (1)	Legal Aid (2)
-----------------------	---------------

Commissioners:

Thank you letters to presenters at the Economic Development Workshop.
Pay Requisition #82: Jail Project: \$184,129.64
IBAP Gatekeeper Report: July 1997-Present.
Receipt for Economic Development Dinner: Lorenzo's.
Southwest Indiana Law Enforcement Academy: Request for Waiver of Fee: Centre
Department Head Meeting Notes: 9/5/2006.

County Engineer: Pay Request No.2: Green River TIF Projects: \$173,107.34

Legal Aid: August 2006 statistics.

County Clerk: Installation and Materials Agreement: Cinergy (move phone lines)

Auditor:

Submit A/P Vouchers.
Drawdown No. 2 of Funds for Knight Township CDBG Grant.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Kathryn Schymik	Marissa Nichoalds
Madelyn Grayson	Debbie Spalding	John Stoll
Bill Jeffers	William Ritzert	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
SPECIAL MEETING
SEPTEMBER 18, 2006**

The Vanderburgh County Board of Commissioners met in special session this 18th day of September, 2006 at 9:30 a.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding. This meeting was called for the sole purpose of discussing and approving the MCR contract for IT services for Vanderburgh County.

Call to Order

President Musgrave: Good morning. I would like to open the September 18, 2006 special meeting of the Board of Commissioners of Vanderburgh County. It's 9:30 in the morning. This meeting has been called for one sole purpose, and that is to discuss and approve the IT contract. But, let's start the meeting with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

Kathryn Schymik: Kathryn Schymik, from the office of the County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Shetler: Tom Shetler, Jr., County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Would you all please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Master Agreement & Statement of Work: Mark Rolley Consulting (MRC)

President Musgrave: Commissioner Nix, I know that you have spend uncounted hours working on this contract. If you would like to go ahead and lead the discussion.

Commissioner Nix: Good morning. I guess, this is something that's taken place for quite some time, maybe over years, to possibly get some type of a system in place where the city and county and the court system are working toward one computer/enterprise, if you will, to get everybody on board. We had met with some consultants, probably over the last three months or so, looked at vendors, looked at different possibilities. I was a little surprised that we didn't get more of a response from the vendors, more vendors, but, I think it's part of the situation that we're in. We were told by our consultants that we were too big to be little, and too little to be big. So, we moved ahead with our options. We've spent a numerous amount of time with the court system to make sure they had what they needed. We made some revisions to the contract, with the proposed contract with MRC, so that the court system could have more of what they need to move this thing forward. I think, today,

we're finally at that point where we can get this signed. I know there's probably just a few little glitches that need to be worked out on some language, which we may need to come back and have amended. But, for the most part, 99.9 percent of it is good to go. Saying that, there I would like, there are a few people I would like to thank. Hopefully, I won't leave anybody out. First off, the County Council for funding the project. They have been pretty creative this year with what they've had to do, with what they've had to work with, and cuts and that. So, I thank them. Two Councilmembers, Marsha Abell from the Council and Lloyd Winnecke, they both worked with us in the eleventh hour trying to get some things worked out, so, financially we could still move ahead with this today. Mayor Jonathan Weinzapfel for his participation from the city. He's hung right in there with us on some of the changes that the county's had to make. Kevin Winternheimer, who is the city attorney, his input, with Jonathan on that. Ted Ziemer, early on, and Ted's replacement, Kathryn Schymik, the last week or so. Kathryn kind of got the baptism by fire on this one. Judge Knight who has been instrumental with the courts system in keeping the court system secure. He does one heck of a job with that. Judge Heldt and his support. Judge Trockman, and lastly Matt Arvay, who's lost a few nights of sleep over this. He may have more gray hair than I do in a couple of months. I don't know, but, anyway, I would like to make a motion that we move forward with this contract with MRC.

Commissioner Shetler: I'll second the motion.

President Musgrave: Before I call for the vote, I would like to ask Matt a couple of questions. Matt, what is the budget, what has been the budget, say last year for IT services in the city and county?

Matt Arvay: It was different. Together on the county side it was roughly \$852,000 and some change, which was the core services plus the GIS budget. You have about \$775,000 and change on the city side. Then there was additional money on the GIS side. So, together, I think the county spent, with the three percent, would be a little over a million dollars this year.

President Musgrave: And the city?

Matt Arvay: The city was just under that. About a million dollars.

President Musgrave: Okay, and the value of this contract?

Matt Arvay: A million dollars on the city side, \$850,000 on the county side. The difference is on the reduction in services (Inaudible), provide the county, in particular, and the county courts.

President Musgrave: Okay, does that include the GIS budget as well?

Matt Arvay: Yes.

President Musgrave: Okay, so, we're moving away from two separate budgets, and now it's going to be one budget. As CIO how will your responsibilities change?

Matt Arvay: They won't. They will just increase.

President Musgrave: I guess, that you'll be doing that for roughly the same pay that you did last year too?

Matt Arvay: Yes.

President Musgrave: So, you will have expanded authority and responsibility, the same three percent raise, I think, that everybody else gets.

Matt Arvay: Yes.

President Musgrave: We will still have an IT vendor, it's just that the vendor is a different person.

Matt Arvay: Exactly.

President Musgrave: The courts, however, will have two in-house personnel who will see to their desktop and their applications. So, we're moving toward one sole control, greater over site, and, I guess, if something goes wrong we just call you, right?

Matt Arvay: Yes.

President Musgrave: Okay. Kathryn, is there anything, thank you, Matt. Is there anything that you would like to say about this contract?

Kathryn Schymik: I think that summary covers it. I think, you know, from a legal perspective that everybody was able to finally come together and reach an agreement that satisfies, you know, all parties seem to be, and we're satisfied from a legal perspective with the terms of the contract.

President Musgrave: I'll note that, as Commissioner Nix eluded to this point, that it's probably been more than 20 years, or at least 20 years that this contract was last bid out. It has been a process, I know, that has taken at least a year from going through all of the services that are provided here in the city and the county, documenting them, bidding it out, receiving responses, and then it was bid out again hoping, again, to get more responses, and then a long period of lengthy negotiations. So, even though it was hard, I think it was worth the effort. I understand that we have a final version that came out this morning, and we have a motion and a second. Does anyone else have anything to say?

Commissioner Shetler: Yeah, let me, I did get a couple of last minute questions and stuff over the weekend from Judge Knight, and I assume by the lack of his presence here that all that's been resolved?

Commissioner Nix: We had, once again, there was one section—

Kathryn Schymik: It's, I believe, section five deals directly with the courts relationship with the vendor. Judge Knight is just unavailable this morning, he had obligations in court. We were communicating with him this morning, and there may be some room for additional discussions with Judge Knight. There's just some fine tuning of some language that they may want to see. But, I think the substance of the contract will remain the same. Again, it's just a little bit of clean up and fine tuning. We were

trying to get all this done at the last minute, but, again, the substance of the contract will remain in tact.

Commissioner Shetler: He is not objecting, or we don't have an objection to the basic concept here? Just some specific points? They are fine with us passing this today and working on resolving those small issues at a later point in time?

Kathryn Schymik: Correct. I discussed that with him this morning.

Commissioner Shetler: Okay.

Kathryn Schymik: He was aware that that was kind of the path that we were going to take, and he is agreeable to that.

Commissioner Nix: Commissioner, the point with this is that we've got little time, with the other contract running out. That we really need to get these people on board and get them up to speed. They need to do some hiring and get their feet on the ground. If we wait any longer, we're going to have an interruption in services. We thought this would be, it could be catastrophic depending on how, the length it's waited to do this. I just feel like we need to get this thing done and get MRC on board.

President Musgrave: The things that the courts are offering opinion on are the services in relationship to the courts alone. The bulk of this document deals with services to the entire city and county governmental structure. While this may seem like an effort, the words "last minute", things getting done in a hurry, this has, this work has been in progress for at least a year. Like any contractual negotiation, it comes down to the very last, most difficult bits of it at the final, closing hours of the discussion. So, there has been solid work for a long period of time, and a number of negotiations, it's just that the courts, from my understanding from my attorney this morning, they prefer the use of certain words, and the contract has other wording in place. So, it may be that they find that these words work after all. But, again, it only relates to a small portion of the overall contract.

Commissioner Shetler: And, was this brought up to other city and county office holders and department heads?

Commissioner Nix: The city attorney—

Commissioner Shetler: And did they vote on it? Or did they recommend it?

Commissioner Nix: The city attorney was at a meeting we had Thursday afternoon representing the Mayor, and he, basically, was there to be the Mayor's eyes and ears. I don't know if the Mayor couldn't attend, but he was going to pass back any information to the Mayor if there was a problem, if he thought there would have been a problem at all. I think there was, Mr. Winternheimer had sent one e-mail with just a comment back. So, I think, it appears that the Mayor and the city attorney are on board with this also.

Commissioner Shetler: Alright. Thank you.

President Musgrave: We have a motion and a second. Is there any further discussion? Hearing none, I will call for the vote. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. This special meeting was called for the sole purpose of considering this contract. May I have a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We're adjourned.

(The meeting was adjourned at 9:42 a.m.)

Those in Attendance:

Cheryl Musgrave

Bill Fluty

Madelyn Grayson

Members of Media

Bill Nix

Kathryn Schymik

Matt Arvay

Tom Shetler, Jr.

Marissa Nichoalds

Others Unidentified

**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
SEPTEMBER 26, 2006**

The Vanderburgh County Board of Commissioners met in session this 26th day of September, 2006 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 will now call to order the September 26, 2006 meeting of the Board of Commissioners of Vanderburgh County. It is approximately 3:30, and we will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

Kathryn Schymik: Kathryn Schymik from the office of the County Attorney.

Commissioner Nix: Bill Nix, Vanderburgh County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner, and would you introduce yourself as well?

Rick Yeager: I'm Rick Yeager. I'm shadowing Ms. Musgrave, and I'm a junior at Reitz High.

Commissioner Shetler: Tom Shetler, County Commissioner.

Samantha Loehrlein: Samantha Loehrlein shadowing him from Reitz.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Joe Gries: Joe Gries, Chief Deputy Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

**Approval of the September 12, 2006 Commission Meeting Minutes &
Approval of the September 18, 2006 Special Commission Meeting &
Permission to Open Quotes: VC09-09-02: Schmuck Rd. Culvert #663**

President Musgrave: We have two sets of minutes on the agenda, for September 12th and the September 18th special meeting minutes, and a permission to open quotes for VC09-09-02. May I have a motion to approve all of those?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Hoosier Voices for I-69

President Musgrave: Our first action item, Hoosier Voices for I-69, we have Steve Schaeffer from the Chamber of Commerce here to make a presentation about the Hoosier Voices for I-69.

Steve Schaeffer: Good afternoon, Commissioners. Thank you very much for the opportunity to speak today. My name is Steve Schaeffer, Vice President of Public Policy for the Metropolitan Evansville Chamber of Commerce, but, also Executive Director for the Hoosier Voices for I-69 statewide coalition advocating for the construction of I-69. We are here today thanking you for your past support for the project, specifically for your efforts in supporting the Major Moves program, which now puts in place a funding mechanism to fund construction of the highway and accelerating it's construction, hopefully, with a ground breaking in 2008. I'm here today with our Chairman of the Board of the Hoosier Voices for I-69, Joe Dedmond, from Petersburg, who is going to give a little, an update on our organization, and some of the activities that we're currently undertaking. We would love to have any questions from the three of you on any of our activities.

President Musgrave: Questions?

Joe Dedmond: Thanks, Steve. Thank you, Commissioners, for the opportunity. It's nice to be the one that gets to raise it up a little bit. I'm generally the shorter one of the group. Thank you very much for the opportunity to speak to you. We are, again, as Steve said, very appreciative of your past support. Appreciative of your efforts in the resolution last year during Major Moves, and your appearance at the events in Indianapolis. To give you an update on the organization, we are continuing, until we actually have an ability to drive on the highway, I think we know that there's a lot of risks to the highway and to the project. Thus, our efforts are going to be focused very strongly over the coming months on communication. Steve is providing reports on a regular basis to all the interested parties and stakeholders with I-69. We'll also continue to host events as we did back in August at Crane, where we brought in the INDOT officials to provide updates on the project. We'll also be doing a lot of work up and down the corridor and information gathering and helping INDOT with the information that they need to continue with the project and prepare for upcoming hearings. Also, just in general, whatever support we can, both two-way communication. Our organization was vital in trying to work behind the scenes in helping get Major Moves passed. We know this next legislative session will be critical. The funding is there to start the highway, but the funding's not there to complete the highway. Thus, we know that there will be a lot issues in this upcoming legislative session that will be critical for us to focus our attention to. We're also going to be heavily involved in community planning. There's upcoming hearings, or education sessions that INDOT is setting up in each segment to work with community planning. We are also working on a similar project, initially, for a couple of communities to do some community planning to prepare for when the highway is a reality. So, those are some of our upcoming things that we'll be working on. I would certainly welcome any questions you might have about the organization and our plans.

Commissioner Shetler: I've got to get used to this here. First of all, Joe, I just want to thank you and Steve. I don't think there's anything more important to come our way, particularly for economic development, than I-69. It will be a significant force of what it's going to do for us in the years to come. You know, the theme around

here has always been, "Not in my lifetime". Well, I'm sorry to contradict those people, but I think it is, I know it's going to happen within our lifetime. I was with some engineers and people last Friday, and I know the Governor is committed to breaking ground in 2008. They're talking that their next stage, which will go all the way, the rest of the way to Indianapolis, may happen within five to eight years. So, God willing, it will happen in our lifetime, happen in my lifetime. So, thank you very much for what you all do. We greatly appreciate it.

Joe Dedmond: Thank you. I couldn't agree more. Coming from a community like Petersburg, what it means to us is vitally important. With a small town like that and the opportunities it will provide. So, we, again, appreciate your support.

Commissioner Nix: Could you just touch on the membership of the Voices of I-69? The numbers of people that are involved, and the work that's taken place? Because, I think that has a lot to do with where we're at right now. If you could share with us that.

Joe Dedmond: Yes I can. I can't exactly say we have a membership roll. We seem to have the ability to bring out numbers for regional meetings in the 100 people range, but they are up and down the corridor from Evansville, all the way to Indianapolis. We have some support north of Indianapolis, up the existing I-69 corridor. A lot of our support comes from local businesses, businesses up and down the corridor, also in Indianapolis. We have a lot of the economic development folks heavily involved with us, as well as elected officials up and down the corridor.

Commissioner Nix: Thank you.

President Musgrave: Well, I understand that financial backing is something that's required to make sure that the Hoosier Voices for I-69 is effective. I believe that we have the opportunity to help you with that. Would you like to make a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Just so that the record is clear, it's to fund you at the level that the Commissioners, as a body in the past, had made available, and that figure is \$10,000. We will be able to provide that for the year. So, with a motion and a second, all those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Joe Dedmond: Thank you very much. It's greatly appreciated.

President Musgrave: Thank you, and good luck.

Joe Dedmond: Also, I have a couple of the current case statements that we use for each of you here.

President Musgrave: Okay. I understand that there's a meeting coming up in Oakland City shortly.

Joe Dedmond: October 16th. It's the first of the community planning events scheduled by INDOT. That just came out this week. So, it's still pretty sketchy as to what's going to be covered, but it's going to be the start of the community planning process in segment one.

President Musgrave: Is the public invited to that? Or is it just for officials?

Joe Dedmond: Uh, Steve, do you know?

Steve Schaeffer: I'm not sure. I think they may have sent out invitations, but I know they are looking for any and all input from government officials. I can find out.

President Musgrave: Okay. Alright, thank you. Thank you, Mr. Dedmond, Mr. Schaeffer.

Joe Dedmond: Thank you.

Vanderburgh Industrial Park: Shovel Ready Certification

President Musgrave: Next, I'm pleased to welcome Ron Keeping, with some good news about the Vanderburgh Industrial Park site. Mr. Keeping?

Ron Keeping: Good afternoon. I'm appearing before you today as a board member of the Evansville Industrial Foundation, to let you know that the Vanderburgh Industrial Park has been certified by the Indiana Economic Development Corporation as one of the state's first Shovel Ready sites. The certification marks a milestone in the park's development. It will greatly enhance our ability to market this asset to potential employers to the benefit of all. We received this certification under the terms of the pilot version of the Shovel Ready program, which was limited at ten sites across the state. We were certified in the second round of the pilot process. Several other sites having been certified earlier this summer. This was not an easy designation to achieve. Our application was nearly four inches thick, and as you might suppose, required multiple copies. It was reviewed by over a dozen different state and federal agencies. What good is a Shovel Ready site designation you may ask? It's function is to signal to a potential buyer that there should be no insurmountable or unidentified obstacles to a site's development. The Shovel Ready site designation will be attached to the VIP's listing in the state's Industrial Sites and Buildings data base. We at the Foundation will be modifying our signage and marketing material to reflect the designation. Although the state board that made this decision did so several days ago, it has yet to issue a public release. So, my announcement to you all here today constitute's real news. On behalf of the Foundation, I would like to thank the Commission for it's endorsement of our application, for the county's continuing support and partnership in the development of the park. I would also like to acknowledge the help of the Foundation's co-applicant, Vision-e. The exceptional support from my staff person at Vectren, Lisa Nelson, who did most of the heavy lifting, both literally and figuratively. Finally, I need to acknowledge the help we received from Greg LaMar and the Department of Metro Development, and especially the extraordinary effort put forth by DMD personnel, Deb Spalding and Rob Schaeffer. We couldn't have done it without them. I have copies of fact sheets on the program for your perusal, and if you have any questions.

President Musgrave: While you're distributing the fact sheets, the questions I have is how many lots do we have available, and what sort of buyers are we looking for, and when are you available to show them around the site?

Ron Keeping: I'm available anytime day or night, just light is better than dark, but we can do it by headlights if we have to. We, about 40 percent of the park is sold so far. We have about 12 lots left. I actually have been talking to our local economic development people, we have several strong expressions of interest from prospects, and that's as much as I can say. It's been said to me that there's more interest right now in the park than there has been in it's history to date.

Commissioner Nix: When you say lots, those could be put together into something less than 12, a bigger development so to speak?

Ron Keeping: That's right. The largest lot, per se, is 25 acres, but it's adjacent to another lot that's 12 acres. So, there's a 37 acre lot. That would solve, the sale of those two lots would solve all of our problems.

President Musgrave: We are very aggressively interested in moving these properties and worked with the state recently to get an infrastructure grant to assist an industry moving in there not too long ago. I believe they're still constructing their building.

Ron Keeping: Yeah, sure enough.

President Musgrave: So, there are several incentive programs that we can partner with the Shovel Ready site and get it moving.

Ron Keeping: You make a good point. With this designation we actually more firmly establish our credibility in the eyes of all those state agencies that make those grants. We should be sure to take advantage of them every time we get a prospect.

President Musgrave: Congratulations to you and your staff and the folks at Vision-e and DMD who helped you along with this. I know that it was a lot of work, work that you undertook voluntarily. I appreciate you doing that, because it does move our economic development along further as a community, and that means jobs. So, thank you.

Ron Keeping: Well, and, again, thanks to the Commission for your help over the years.

Commissioner Shetler: I don't want to belabor the point, but I think this whole issue does bring up something that does point out the reason why we have the need for Vision-e and the regional Economic Coalition. It's important to have both of them working together. So, thank you, Ron.

Memorial Tree Planting Proposal at Burdette Park

President Musgrave: Alright, we move now to the memorial tree planting at Burdette Park. We have Andy Schroeder and Bobbi Jo Cook here to describe this new program. Andy, Bobbi Jo?

Andy Schroeder: First of all, we would like to thank the Commissioners for entertaining us this afternoon. Just to give you a quick abstract, and overview of

what we have before you, and I believe you should have a copy, and if there's not enough we can make sure that we leave a couple extra there in the office before we go. This would basically be a program that would provide the public, who wish to memorialize a loved one, an opportunity to do so with a living memorial at Burdette Park. We came up with this idea, actually there was a whole lot of input over the last several months. Bobbi Jo and I became acquainted several months back through her mother's untimely death. I'm a television reporter, and we've sort of become friends through that avenue. We were looking for a way to have a long term, lasting, living memorial to her mother, and through some contacts that I've had with Commissioner Musgrave, we came up with this idea of a living memorial at Burdette Park. In speaking to Steve Craig at Burdette, he said they've been looking for a way to get the public very interested in the new Burdette to USI trail, and they've also been looking for a way to replace several trees that they will have to remove to put that trail in. It seemed like a natural fit. So, what we've come up with is basically an opportunity for the public to, through a list of approved trees, and a list of approved sites, to come out and help enhance Burdette. The way that they'll be enhancing Burdette will last for a hundred years or more, providing a lasting memorial to their loved ones and continued beautification of what is now already a wonderful park and a wonderful asset to the community. So, we're hoping this kind of becomes a great big circle, getting more people involved, getting more people out to Burdette, and getting more people interested in exploring the new trail that will be hopefully opening very soon, depending on whether we go for federal or local funding on that. So, that's the abstract there. There are still some details, I know, that have to be worked out. One of the things that we had mentioned earlier was that the park should be in control of the locations for planting the trees, should have a list of approved trees. We need to come up with some sort of standard format for putting plaques on the trees, so that we have a uniform look to this memorial. But, other than that, you'll notice the costs paragraph is very brief, and I'm sure you guys like to see that, because it would be those who wish to participate in the memorial area, they would help provide funding for the tree. So, all we need is a couple of guys on county time with some shovels, and it wouldn't be too difficult to get this project off the ground. So, that's where we stand. We would be happy to take any questions.

President Musgrave: Bobbi, would you like to tell us a little bit about what led you to consider making a living memorial?

Bobbi Jo Cook: Yeah, okay, my mom she was murdered. It's, October 9th will be the year anniversary of her death. She was working out at Busler's on 41, I'm sure a lot of people are familiar with the murder. It's gone unsolved. When you go through something like this, everyday you're always trying to, you know, everybody says, with time it gets easier. It's like, my thing was always, when does that time come. Because it's not getting easier, it gets worse. Everyday there's no phone call. Everyday there's nothing anymore. So, when I was talking with Andy, I'm like, you know, because he would call and check in, whether it would be, you know, hey, do you want to do an interview? Or it would be how are you doing? It's like what am I going to do? I'm lost. I, you know, go through the day being a mom, and I put this smile on because I have to because I have a little girl that looks up to me. Then, at night, when Morgan's in bed, that's when I grieve. It's like, I have pictures I look at. I have all these newspapers that I put in a scrapbook. I have all this, and this is what I have. I have a scrapbook left and I have pictures and that's it. That's supposed to be, that's what happens with life. So, when he brought up a memorial, and, you know, a tree planting and all that, it's like, it got us so psyched up and so excited about doing it, because that is something that will be here long after we're gone. You know, people will go and

they'll realize, you know, these people were people. You know, you've got a tree that's going to grow for how ever many years trees grow.

Andy Schroeder: A big number.

Bobbi Jo Cook: Right. It's really exciting. In fact, it's like one of the happiest things that's happened, and that we've came up with since my mother's death. I guess, that's what led me up to it, because it was the way Andy said it, it's like it's a living tribute. That's exactly what it is. It's not all about she's dead, hanging her picture up on the wall, and then you go and you do the headstone and that's the end of it. It's not. That living tribute, that just, it stuck with me. It's very exciting to see if it could get up and going.

Commissioner Nix: I just want to commend both of you on the job you've done putting this together. You know, my heart goes out to you and your family for this, but what you're doing is a great thing. You've got a lot to look forward to, in a few years from now you'll go out there and you'll see a lot of trees and a lot of plaques up. I'm sure that it doesn't help you right now, but it will in the future, I'm sure.

Bobbi Jo Cook: Thank you.

Commissioner Shetler: Yeah, I just echo what Commissioner Nix had to say, and that is it was a tragic situation and we all feel for you and your family, but out of that, I think the community is going to benefit greatly for it, and we applaud you. Thank you for coming forward to do this.

Bobbi Jo Cook: Thank you.

President Musgrave: Well, Commissioners, if you will give me a motion to approve the proposal, I believe then we could get underway with Bobbi Jo Cook's memorial to her mom, somewhere a tree planted in the park that, with the help of the Burdette Park staff.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Good luck with your tree selection and your site selection.

Andy Schroeder: Thank you all so much. Appreciate it.

Bobbi Jo Cook: Thank you.

President Musgrave: Thank you very much, Andy and Bobbi.

Four Rivers RC&D: Watershed Project Update

President Musgrave: We move now to an update on the Four Rivers RC&D watershed project. Mr. Dave Elgin. Welcome, Mr. Elgin.

Dave Elgin: Thank you. Glad to be here this afternoon. Four Rivers RC&D, RC&D stands for resource conservation development, and when Commissioner Don Hunter was sitting in the chairs you're sitting in, we developed a partnership with our organization and with Vanderburgh County, and you have continued that sponsorship through the years. So, today I would like to bring to you a project that we're looking at that's part of your county. This involves the Big Creek watershed, which will be a three year project. I provided to you, it's a copy of the goals and the parameters and sampling points that we'll be doing on 16 sub-watersheds, which includes part of the county. This covers three counties; Posey County, Vanderburgh County, and Gibson County. Posey County SWCD, Soil and Water Conservation District, initiated this project a couple of years ago. They do have the largest part of the drainage area of that watershed. Gibson County and Vanderburgh County Soil and Water Conservation Districts have all agreed to be a partner of this also. The Posey County Soil and Water District applied and received a Clean Water Indiana Grant. This comes through ISMA, or Indiana State Department of Agriculture, the new group we have. It's start up funds of \$8,000. Also the Farm Bureau organizations in the three counties have provided an equal match to that. The Posey County Soil and Water District has also applied for an EPA 205J grant through IDEM. That's been approved and the contract's being drawn up. John Bittner who is here in your county is also part of the Big Ditch, Big Creek Ditch Association, has contacted me, and they're also interested in being part of this project as we develop it. If you'll look into your book a little bit, if you find it or have it, there's really four goals that we're looking at as we develop the, look at the watershed over the next three years. We look at nutrient loading, which has to deal with the phosphates and nitrates that's in the water, E-coli, there's a lot of things in the news, but we're looking at the E-coli levels that exist. Also, we will develop ways and evaluate ways to reduce any of the nutrients or the loading levels we find. Also, we have an education program and an outreach program for the general public to explain what's going on with the watershed plan. Also, within your folder you're going to find seven parameters of monitoring. Those deal with the things that we want to look for that exist, or could exist in the present samples we're taking. Also, there's a color map that shows the 16 sub watersheds, and also the last map in there will show the 34 monitoring points where we'll be taking samples within the ditch. The one reason I wanted to appear before you today is, we use the county highway bridges as an access point to the channel to take our water samples. That way we're not on any private property, or creating a problem in that sense. What I'm proposing today is, and I've provided a draft letter, is your concurrence and support of our project. We will be doing monitoring on a monthly basis from spring through fall. No winter monitoring because of weather. All of our vehicles, normally there's one or two, we have identification on them, which identifies who we are as far as Four Rivers, and that we are water monitoring project. The cooperation of the SWCD's, the NRCS and the RC&D is what makes this project work, and it's part of the Clean Water Indiana efforts. So, I know this is new before you today, and I've started, we've completed the process in Posey County, we'll be scheduling with Gibson also. If there's any questions I can answer, why—

President Musgrave: Are you chiefly asking for our permission to use the right-of-way to go down to the—

Dave Elgin: Right, in other words, you have that responsibility. Also, in our draft letter there are cc copies to all of your departments within your counties. There should be a draft copy of the letter from Dave Ellison there also that states kind of what we'll be doing. If you need extra copies of the plan part, I have them.

President Musgrave: Will we be getting copies of the reports for your water quality?

Dave Elgin: I will appear before you on a scheduled basis to give you updates of where we're at and what we have, yes. We do that, we're finishing up Posey, the Patoka and Dubois County right now. That will close in December. So, we would like to start in January on this one.

President Musgrave: Ms. Schymik, are there any issues regarding insurance?

Dave Elgin: We cover liability, and all of our liabilities affect our projects, it's a national million type liability, so, anything that would be created by us is under our liability as Four Rivers RC&D.

Kathryn Schymik: That seems like it would be sufficient. This is the first time I've had an opportunity to look at this.

Dave Elgin: It's new to you uns, I'm sure.

Kathryn Schymik: So, I would be remiss if I gave a definitive answer right now before I look over it.

Dave Elgin: If you would like to review it and then table it till next meeting for review and signature that would be fine.

President Musgrave: Okay.

Dave Elgin: If you have any other questions, why contact Bonnie Bittner at our SWCD office here in the county and she'll get back with me.

Commissioner Shetler: Do we want to approve this subject to the terms?

Commissioner Nix: Either that, or just bring it back to the next meeting for approval. Would that be alright?

Dave Elgin: You have the original copies in hand. So, I mean, that would be fine with me. It would give you uns a chance to look at it.

President Musgrave: Alright, so what we can do is have you review it and if there's any issues, please leave your contact information.

Dave Elgin: I'll give her my card.

President Musgrave: That way you can just bring it up under your report next time. Do you want to make that motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Dave Elgin: Thank you very much.

President Musgrave: Thank you, sir. Appreciate that. I look forward to hearing your report.

Polling Place Advisory Board: Polling Locations for General Election

President Musgrave: We move now to the Polling Place Advisory Board, the polling locations for the general election. President of the board is Mr. Gregg Utley. I believe you're President, you could be Chairman, I'm not sure.

Gregg Utley: Yes, President, I believe.

President Musgrave: Alright, go ahead.

Gregg Utley: Thank you so much, Madam President, and fellow Commissioners. I come before you today to give you the recommendation of the Polling Place Advisory Committee in regards to the polling places for the upcoming general election. I am pleased to announce that with the diligent efforts of the committee that there is only one change that we have in polling places from the election that we had in May to the election that is coming up in November. That particular one is in the first ward, it is the fifth precinct, it is the one that was held at McCullough Library. We cannot have a polling place there because they are doing major renovations on the library, so, they are basically closed. So, what we have done is look for an alternative location, and have found one at Washington Square Mall. They have been gracious enough to let us have a polling place there. So, that is the only change. So, there shouldn't be confusion among the voters or any agency or organization that is looking to find the polling places. I would like to commend the Commissioners for sending out a contact information letter to these various polling places. We have shared that information. Many of those we have gotten back. Many of those, almost all of them, and we do have verbal commitments from the rest of them that said, well, I filled it out in May, it's the same contact information. We have shared that with Susie Kirk, and for the Election Board, I guess. So, we have referenced that, and we have supplied them with that information. I also want to thank you for putting this information on the Commissioners website, which should make it, once again, very easy for the average person out there that wants to go vote, or any organization to be able to access the polling places and the maps if they live in a particular precinct where they may go and vote. So, barring any unforeseen, possibly Acts of God or something like that, we feel confident that these will be the polling places. If something does arise, or if there is a complication, I guess, we will meet again and come back before you. But, we are fairly confident that these will be the polling places for the general election of 2006.

President Musgrave: As to the location in Washington Square Mall, that has a lot of entrances, which entrance will the—

Gregg Utley: We chose the one that was closest to McCullough Library. So, if you were walking out of McCullough Library and facing west, it would be where the Sears building is, it would be the next one over. So, it would be on the, I guess, you would call it the east entrance.

President Musgrave: Okay.

Commissioner Nix: And that's the commons entrance area?

Gregg Utley: Yes, it is.

Commissioner Nix: It goes to that...okay.

Gregg Utley: Yes, it is. It's not in a particular store or anything like that. It's in the area right there, and it is handicap accessible. We feel that it was the good and closest spot. There was another location that we looked at, but they did have a conflict with their schedule. So, this seemed to be the next best case scenario, and shouldn't inconvenience voters very much. It's just right across the parking lot from McCullough Library.

Commissioner Shetler: Yeah, when you think of inclement weather, standing in long lines, or any of those kind of things, I mean, really, it's ideal conditions compared to where you might be in other places and stuff. So, I think there's a lot of good things about it. I do think it could be confusing because of the multitude of doors and stuff going in and out of the place, I mean, it's a pretty massive building all in all. We're going to need some clear signage. I think that's going to be the key to directing the traffic in the right door.

Gregg Utley: Yes, and I think that's something that we may be able to do at that particular location, being as we only have the one change. I think the Polling Place Committee could come up with something that we could post out at McCullough Library, with their permission. I will go to that organization and ask them if that's something that we couldn't do.

Commissioner Shetler: You know, we might be able to do some posting at like, for example, I believe Continental Towers might be in that precinct.

Gregg Utley: Yes.

Commissioner Shetler: And that might constitute a good percentage of the voters, at least the elderly ones anyway.

Gregg Utley: Yes.

Commissioner Shetler: So, we might just even put up some maps in some pretty public places like that, where they would know where to go.

Gregg Utley: That's a very good idea, and I'm not opposed to that at all. A lot of those folks do go over there and walk in the mornings.

Commissioner Shetler: Alright.

President Musgrave: I do want to remind the public and encourage them also, I believe voting starts on the 28th I think it is. Does anybody know for sure? But, the

voting in the Civic Center starts very, very soon, and we could encourage them to come on down to the Civic Center and vote here where we know where the Civic Center is, we know where the parking is, between now and the election. I believe it starts the end of this week, but I'm not absolutely positive. I'm certain that starts by next week though. To go ahead and either vote absentee or come down to the Civic Center in advance of election day to alleviate any concerns that someone might not remember where their poll is, might not be able to find the right door on election day, might be concerned about voter I.D. issues. I would say take your time and come early and then all of those things can be worked out.

Gregg Utley: Any other questions?

President Musgrave: No. Thank you—

Gregg Utley: Thank you so much for your time today.

President Musgrave: —for your work, sir.

Commissioner Nix: Thank you.

Commissioner Shetler: A motion?

President Musgrave: Oh, we do need to have a motion to adopt that change in location.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Gregg Utley: Thank you so much.

President Musgrave: Thank you.

<p>Resolution CO.R-09-06-019: Approving the Transfer of Cable Franchise: SIGECOM to WOW</p>
--

President Musgrave: At this time I would like to welcome Bruce Jones and Kelvin Fee to discuss the SIGECOM resolution, the update of franchise agreement to WOW. WOW is the name of the company that SIGECOM is selling it's franchise agreement to.

Bruce Jones: Actually, we're selling the whole company. Good afternoon. My name is Bruce Jones, I'm president and CEO of SIGECOM. With me is Mr. Kelvin Fee, who is Regional Senior Vice President of Wide Open West, which is where the name WOW comes from. As you just heard and undoubtedly have read, WOW is acquiring SIGECOM. WOW has an excellent operating reputation (Inaudible. Microphone cutting out.) The company now has won a J.D. Power Award for

excellence as the best operating cable company in the country two years in a row, and, I believe, Kelvin has just won one for their internet service as well. A very, very fine company, and I believe the county can expect that they will continue to get the same fine service from WOW that they get from SIGECOM. As part of our franchise with the county, when there is change of control of the company, we are required to come to the county and ask permission for the continuation of that franchise. That is why we are here today, and also to answer any questions you may have about the sale.

President Musgrave: Questions? I know that our attorney has reviewed it. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. And your franchise agreement has now been awarded to you.

Bruce Jones: Terrific. We really appreciate the county's moving very quickly like this.

President Musgrave: Thank you, sir.

Commissioner Nix: Thanks.

Bruce Jones: Thanks again.

<p>First & Final Reading of CO.09-06-018: An Ordinance Concerning Speed Limits</p>

President Musgrave: And we'll go from moving quickly to moving slowly, an ordinance concerning speed limits, the first and final reading of CO.09-06-018. Commissioner Shetler?

Commissioner Shetler: This really came about at a road hearing meeting out on Oak Hill Road concerning the Oak Hill and Bergdolt intersection, where a new stop light is going to be erected, hopefully, this coming spring, and that intersection kind of redone there. In the process, many of the neighbors voiced their concerns. There's been a tremendous amount of growth on the whole north side area, and a lot of people using Oak Hill Road. At one time it was safe for those folks that live along Oak Hill Road to back out and pull on down the stream of traffic, but today it's not. Just too much congestion, and driving 40-45 miles an hour is just far too fast to try to do it safely. So, it's really an act of doing the, you know, trying to protect the kids and the families out there that I think that that is one of the areas. In the meantime, as you know, since, in the past year since I've been on, I think this might be the third ordinance that we've done concerning speed limits. We've generally looked at speed limits throughout the county, and tried to find those areas where a lot of activity has taken place, a lot of growth, and this is an opportunity, again, we've

looked at other areas and there are several streets that are in residential areas that we are reducing the speed. Most about five miles an hour from where they are presently. So, I think this is a good thing. I would urge my colleagues on the Commission to vote for this. It's a matter of safety.

President Musgrave: In order to pass this on one reading, we will need to waive, have a motion to waive the second reading.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Is there a motion to pass the first reading?

Commissioner Shetler: Are you going to ask if there are any people here to speak to this?

President Musgrave: Thank you, Commissioner Shetler. Are there any people here who would like to speak to this ordinance? I see Oak Hill Neighborhood President. Please come forward.

Susan Harp: Susan Harp, President of Oak Hill Neighborhood Association. I agree with Mr. Shetler that during that meeting and several others, we frequently hear, all along Oak Hill, both city and county, to reduce the speed limit. I think, hopefully, that we can get a little more enforcement out there right after the speed limit changes, but, you know, people are still going to go fast, and I think this is one way that we can try to help those people who are on those side streets getting off. So, hopefully, none of the neighbors will speed. Hopefully, they will control themselves. I think it's about the only thing we can do, and maybe in the future we may have to look into doing something else to Oak Hill Road, but right now I think this is the wise decision. Thanks.

President Musgrave: Thank you, Mrs. Harp. Is there anyone else who would care to address the Commission on this point? Seeing no one. Is there a motion a motion to pass the ordinance CO.09-06-018?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Show that as passed.

**Letter of Notification to Property Owners of Sale of Property
(Tax Certificate Sale)**

President Musgrave: We move now to the County Commissioners, letter of notification to property owners of the sale of their property. The County Attorney has prepared a letter, and this letter will inform the owners of property that the Commissioners sold at their tax certificate sale last week, that their property has been sold. We have been advised to do this by some of the folks from around the state who suggest that we make every attempt to let people know that their property has been sold. Do you have any remarks that you would like to make about that letter?

Kathryn Schymik: This basically just summarizes what has taken place and the requirements going forward. There is a redemption period that is still in place for the owners of record, who can come in, and we're going to state in the letter what they are required to pay if they are interested in redeeming. That period is 120 days. We'll also let them know specifically when that date expires. Again, as Commissioner Musgrave said, this is just an attempt on the part of the county to notify people that they could ultimately be divested of ownership in their property before that takes place.

President Musgrave: Also, an update on the tax certificate sale. We only sold 40 percent of our properties. Sixty percent of those remained unsold. We collected, is that \$2,561? \$2,561. Last year, if my memory serves, we collected well over \$300,000, mostly from the sale of a single property, not at the certificate sale, and the balance, some \$60,000 I think it was last year, at the tax certificate sale. So only 27 properties sold. We have 40 unsold properties, 11 other properties were redeemed before the sale. We need to take another approach, I believe, and I would like to adopt the suggestion of the County Treasurer, who has asked us to investigate, and we'll get to this next on our agenda, taking title to those properties. Before we get to that though, if we could approve the letter of notification to the owners of the property that we already did sell.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Permission to Advertise:
Bids for Title Search of Tax Certificate Sale Properties**

President Musgrave: Again, the County Treasurer and others feel that if we took title to these properties, rather than selling tax certificates, that our sale would be more successful and perhaps generate more revenue. In order to research whether that would be a good idea or not, we talked it over and thought that seeking bids from title search companies to perform the title searches would be a good way to approach this. I know that customarily you hire a title search company one property at a time, but our next sale we have, I think it's 134 properties?

Joe Gries: That is correct.

President Musgrave: And perhaps four left over from our tax certificate sale of last year.

Joe Gries: I believe that's right.

President Musgrave: Then there's a completely different twist to this whole tax certificate sale business as well, the past two years the Commissioners have sold property that failed to sell at two consecutive tax sales. The 134 properties that are coming forward now will only have gone through one tax sale. The law has changed, and now we'll be getting more property to be sold faster than before. I think that we need to take every approach to collect the taxes and conduct a good sale. This is all landing on the Commissioners desk. I also hope that we'll get lots of good cooperation from the Auditor's office to sell these properties. So, the first step though in this whole process of trying to figure out how we're going to handle this new responsibility, I believe, is to seek permission to get bids. Is there a motion for that, the bids from title search companies?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: May we make a tape change quickly?

President Musgrave: Yes, please.

(Tape change)

Award Moving of Election Equipment: General Election: Kinder

President Musgrave: Let's do the next two items, number two and number three. Moving of election equipment, Kinder, who moved our election equipment last May for the primary has agreed to deliver those for the same price in November, at the general election. We understand that we won't need to bid this out, we can just go

ahead and award it to Kinder, since we had gone through a competitive process in May, for the May election.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Permission to Advertise November 7, 2006 Polling Places
--

President Musgrave: We need to have permission to advertise the polling locations in the newspapers for the November election. Is there a motion for that?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Reading of Bid Opening: VC09-09-02: Schmuck Rd. Culvert #663

President Musgrave: Would you like to read the bid opening?

Kathryn Schymik: We received two bids. The first from CCC of Evansville, Inc., for a total of \$63,332.86. Second, from Koberstein, Koberstein Trucking, Inc., \$71,055.

President Musgrave: Is there a motion to take them under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**EMA: National Incident Management System (NIMS)
Statement of Compliance**

President Musgrave: We move now to Emergency Management, the National Incident Management Systems statement of compliance. Mr. Sherman Greer is here to update us.

Sherman Greer: Sherman Greer, Emergency Management Director for Evansville-Vanderburgh County. Before you, you have a letter of compliance for the National Incident Management System. It has 15 items that has to be complied with. We feel that Vanderburgh County has complied with all 15 of those, and is waiting for your signature as the governing body, so that we can send it back up to Indy.

President Musgrave: Is there a motion to sign the letter of compliance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Homeland Security Grant Program Sub-Grant Agreement: Laptops

Sherman Greer: You also have a grant agreement, sub-grant agreement that was approved by Council for the GIS laptops. We're getting ten laptops that is being purchased by the state, and then we'll be able to use those for people out in the field, if they are NIMS compliant.

President Musgrave: Now that we're NIMS compliant, you'll be wanting to send that grant application in?

Sherman Greer: Exactly.

President Musgrave: Is there a motion to approve the grant application?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Sherman Greer: Thank you.

President Musgrave: Thank you, and congratulations for the hard work in getting the compliance documents in order.

Sherman Greer: Thank you.

<p style="text-align: center;">Area Plan: CRS Re-Certification Agreement for Professional Services: Kelly Williams: Misdemeanor Court</p>

President Musgrave: Contracts, leases and agreements, numbers one, two and three need to be stricken from the agenda. Those are not ready at this time. We have the Area Plan CRS re-certification, and Misdemeanor Probation, the Kelly Williams contract. Both of these have been reviewed. Is there a motion to adopt? Or do you need to say anything regarding the Area Plan, John?

John Ansbro: Just requesting your signature on the cover sheet. We re-certified the discount that homeowners and businesses get from our participation in our community rating system.

President Musgrave: Thank you. Is there a motion to adopt number four and five?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. We move now to department head reports, Mr. Stoll, County Engineer?

Madelyn Grayson: Excuse me, Commissioner Musgrave, did you adopt the Misdemeanor Probation contract?

President Musgrave: Yes, those were done on the same motion.

Madelyn Grayson: Okay.

President Musgrave: Thank you.

<p style="text-align: center;">County Engineer</p>

John Stoll: I've got three items. First, I would like to request approval to go to County Council to appropriate \$85,000 in the Kuebler Road Bridge Account. This is, this \$85,000 is what's needed to get our funding up to the level of the consultant's construction estimate.

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.

John Stoll: Then, next, I have a contract proposed with Bernardin Lochmueller and Associates for \$31,000. This is to evaluate the on-going settlement problem that's occurred at the northwest corner, primarily, of the First Avenue Bridge over Pigeon Creek. We've made a number of attempts to try and patch that, figure out the source of why the settlement keeps occurring. The County Highway Department's made routine attempts to resurface it to make it more passable for motorists, and nothing seems to work. So, I contacted Bernardin Lochmueller and Associates, and what they plan to do is do an engineering evaluation through some soils work and some survey work to try and figure out exactly what's the source of the settlement problem, and then what is needed to fix it. This will pay for the evaluation. It's for \$31,000. Then we'll have to follow that up at a later date with an actual design contract, pending what they find in their evaluation stage.

Commissioner Nix: John, I was just curious, are they going to need to access First Avenue for those soils? Or is that something they can do from the side, or below, down the side of the bridge? Do you know for sure?

John Stoll: I think they'll have to go more along the side than they would actually through the road. Mainly because some of the attempts to try and stabilize that over the years, I know they've put concrete, flowable fill, I don't know what all is down there, but I don't know that they could get a good boring through the pavement. Because I don't know the limits of the attempted repairs over the years.

Commissioner Nix: My concern is just from a traffic issue, early morning, late afternoon traffic. If they've got to get up on the road that they work with the Board of Public Safety and that to do that.

John Stoll: We can work with them on that as well. Just make sure that if they're in the southbound lanes, that they would start after about 8:30, and if they're in the northbound lanes, they could do it in the morning, prior to the evening peak hour.

President Musgrave: Is there anything further?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last thing I've got, it was actually listed as a specific item on the agenda, but if you're okay with it, I'll go ahead with the award of the Hogue Road Culvert repair to CCC of Evansville for \$22,736.84.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: They were the low bidder on the project?

John Stoll: Yes.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I've got.

Local Government Cooperation Award

President Musgrave: Well, it's also a little further down on the page, but I would like to reiterate, as you already know, we managed to surprise you completely, taking you up to South Bend under the pretext of one award, which if you'll move closer to it, so the folks at home can see that. This is the Local Cooperation Award, and I'll put this down, if they can focus on John at the podium. The Local Cooperation Award 2006, Vanderburgh County and Warrick County, Lynch Road project. This award was awarded by the Association of Indiana Counties. John, you were the lead engineer for this project which started the year I got married, 27 years ago, and you took the lead in it for about the past 13 years or so. Is that right?

John Stoll: Right. The original bridges and grading contract for the segment between Oak Hill and Bergdolt started, I mean, Burkhardt started in 1993, and that was my first year with Vanderburgh County. It's taken 13 years, but it's finally done.

President Musgrave: It was an award winning project.

County Engineer of the Year Award

President Musgrave: So, we got him up to the AIC Conference, he knew about this award, because he had to appear in a film for that award, but little did John know that his peers, the county engineers from across the state of Indiana, had selected him as Engineer of the Year for the State of Indiana. They awarded you this wonderful plaque that you get to take back and put on your wall. Congratulations! We're all very proud of you.

(Applause)

John Stoll: Big surprise. I think that was the worst kept secret up here, but you all had a good poker face, because I didn't know anything about it.

President Musgrave: As he turned several different shades of red, then he understood why I had made him drive me up there. Because he wasn't going to get out of going. He had to take me. So, thank you, John.

John Stoll: Thanks.

President Musgrave: And congratulations to your whole staff as well.

Commissioner Nix: Thank you, John. You do a good job.

Commissioner Shetler: I just wish you guys would have gone a few days earlier and designed a victory for Notre Dame that weekend. That was a tough one.

President Musgrave: Okay, so we have already awarded the Hogue Road culvert.

Board Appointments

President Musgrave: So, we will move now to board appointments. We have an opening on the Public Defender Board. I would like to recommend Bill Nix for this, as an individual and not as a Commissioner, so that his term will be for three years, and expire on September 1, 2009. I would like to make that motion.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioner Shetler: Aye.

President Musgrave: Aye. Thank you, Bill.

Commissioner Nix: You're welcome.

President Musgrave: I think that your work in helping build the jail on time and under budget, and working with the public, the Community Corrections Board, that this is a perfect fit for that, and will ensure that the board has a great member.

Commissioner Nix: Thank you.

New Business

President Musgrave: So, is there any new business? I see none.

Old Business

President Musgrave: I have one piece of old business. If you will recall, last time we met, we approved a letter to send to Senator Lugar to ask him to bring his thoughts on energy security to Evansville, to Vanderburgh County. The letter went off, and I spoke with his staff today, and they are very excited about coming. They say that the calendar for 2006 is full, but they would like to come down in 2007. So, I've offered them, I guess, I should ask your permission to offer them the use of the Auditorium or the Centre, but those details can be worked out as the Senator puts his format together. Perhaps he'll come just to give the speech alone. Perhaps he will partner, as he did in Lafayette with Purdue University, or perhaps someone else. But, I'm very excited to report that they are looking at coming in 2007.

Public Comment

President Musgrave: Okay, we have now public comment. Is there anyone here who would like to address the Commissioners on a matter of interest to the Commissioners? I see no one.

Consent Items

President Musgrave: We have a consent agenda. There is one item that needs to be removed from the agenda, that is the medical contract.

Marissa Nichoalds: That's a typo. That was under the action items.

President Musgrave: Oh, so, there is no change on the consent agenda. Alright, is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: We are adjourned.

(The meeting was adjourned at 4:23 p.m.)

CONSENT ITEMS:

Employment Changes:

Superior Court (1)	County Highway (1)	Sheriff's Office (2)
VCCC (4)	Armstrong Assessor (1)	Auditor (1)
County Clerk (1)	Knight Assessor (1)	Public Defender (2)
Health Department (1)	Burdette Park (1)	Prosecutor (1)

Travel Requests:

Health Department (5)	Legal Aid (1)	SWCD (1)
-----------------------	---------------	----------

Commissioners:

Letter to Sheriff Brad Ellsworth: Kim DeWitt & Regan Braun: Tax Cert. Sale
Letter to Insight Communications: Removing Co. Comm. Phone Number
Vision-e Monthly Report: August 2006
Permission to Use Old Courthouse Courtroom: Judge Lloyd
Department Head Meeting Notes: 9/12/2006.

County Engineers: Approval of Pay Request #3: Burkhardt-Green River TIF

Treasurer: Year-to-Date Investments: August 31, 2006

Weights & Measures: Monthly Report: 8/15-9/15/2006

Purchasing: Monthly Report: July 2006.

Health Department: Surplus request: various items.

Auditor:

Surplus request: computers.
Drawdown #3 of funds for Knight Township Fire Department CDBG Grant.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Joe Gries	Kathryn Schymik	Marissa Nichoalds
Madelyn Grayson	Samantha Loehrlein	Rick Yeager
Steve Schaeffer	Joe Dedmond	Ron Keeping
Andy Schroeder	Bobbi Jo Cook	Dave Elgin
Gregg Utle	Bruce Jones	Susan Harp
Sherman Greer	John Stoll	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
OCTOBER 3, 2006**

The Vanderburgh County Board of Commissioners met in session this 3rd day of October, 2006 at 3:32 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 meeting of the Board of Commissioners of Vanderburgh County. It's October 3, 2006, at roughly 3:30. We'll start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Preston Edge: Preston Edge.

President Musgrave: Preston is shadow today for Commissioner Nix, and he's from Memorial High School.

Commissioner Shetler: Tom Shetler, County Commissioner.

Rachel Krampe: Rachel Krampe, Central High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the September 26, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of September 26th?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

County Treasurer: Permission to Open Bids for Cash Management

President Musgrave: We have an action item, the County Treasurer is here seeking permission to open bids for the cash management. Is there a motion to open the bids?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

County Highway: Discussion of County Policy Regarding Yard Signs

President Musgrave: County Highway, Mr. Duckworth is here to discuss the county ordinance regarding yard signs. In this active election season, I think some folks need reminding about the dos and don'ts.

Mike Duckworth: Thank you. Good afternoon, Commissioners, and shadows, and public officials, ladies and gentleman, Mike Duckworth, County Highway Department. I am here today to discuss an ordinance that was enacted regarding signs, and, of course, it identifies the signage that is better known as the political signs, or first amendment signs, and allows them, of course, to be placed in private property. The problem that we run into is when people have a tendency to place them, to get better coverage, in public right-of-way. Of course, that is prohibited. In addition to that, some of these signs are probably bigger than they should be, and cause site distance problems for motorists, and, of course, that's prohibited. So, we would like, and we would ask all candidates to watch out for that, and all property owners to abide by that as well. There is a procedure set down in the ordinance that basically says that in the event that a person places a sign in the public right-of-way, that it can be removed by the County Highway Department, because that's where we do work on ditches and culverts and mow and do tree work and those kinds of things. In the event that we should remove a sign, we will bring it to our property, located at the intersection of St. Joe and Mill. We will hold it there for three days. We will contact the owner of that property to tell them that they can pick the sign up. After three days, I think our policy has been in the past to contact the party headquarters of the folks, and if no one picks up, then we'll dispose of it. We will answer any complaints about these signs and investigate those said complaints, and do our due diligence in making sure that we follow the ordinance to the letter. So, if there's any questions or concerns about that, I would be glad to address those at this time.

President Musgrave: This is a county ordinance, chapter 17.26, if I'm reading this correctly. Are these on line? So, they can go to the County Auditor's page on line and read the whole chapter if they would like to, to make sure that they are conforming with county ordinance.

Mike Duckworth: That's right. Of course, there are lots of candidates this year, and we want to keep things fair, we want to keep things ensured that there's not any traffic problems due to these signs, and continue the county's work as needed.

President Musgrave: But, you're not going to go out on sign patrol?

Mike Duckworth: No, no.

President Musgrave: If you see the sign, you're going to pick it up?

Mike Duckworth: Right.

President Musgrave: If somebody calls in and complains, “Hey, there’s a sign in this particular—

Mike Duckworth: When you say, “you”, it will not be me.

President Musgrave: A member of the Highway Department.

Mike Duckworth: It will be staff on the Highway Department, but, of course, we have much to do rather than go on sign patrol. We won’t be doing that, but we will respond to any complaint that comes in out of the county.

President Musgrave: Commissioners, any questions? Alright, thank you.

Mike Duckworth: Okay, thank you.

County Engineer

President Musgrave: Department head reports. Mr. John Stoll, County Engineer?

John Stoll: First, I would like to request approval of a notice to bidders for the rehab of the Kuebler Road bridge. It’s located between Meier and State Road 65. The project will consist of installing a new concrete deck, removing the existing deck, and then extending some wingwalls and installing some pipe. If this notice to bidders is approved, we would open bids on October 24th.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, also I have the cover sheet for the plans for that project that needs your signatures. Madelyn has that, I forgot to mention that. The next item I have is, I would like to request approval to award the bid for contract number VC06-09-02, Schmuck Road culvert number 663, to CCC of Evansville for the amount of \$63,336.86.¹ CCC provided the low bid on the project.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

¹ Correct bid amount as read into record 9/26/06 should be \$63,332.86.

President Musgrave: The motion carries.

John Stoll: Then, next, I have the bridge inspection agreements, again, with Beam Longest and Neff. The amount of that contract was \$131,800, of which 20 percent will be the county's cost. The agreement was forwarded to INDOT, INDOT has since reviewed and approved the agreements. So, now it's ready for your signatures.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor.

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Also, in conjunction with the bridge inspection, INDOT also forwarded us an agreement between Vanderburgh County and INDOT. That agreement spells out the stipulations as far the requirements that we have to meet in order for them to provide the 80 percent federal funding on the bridge inspection project. The contract has been reviewed by the County Attorney and he found it acceptable. So, I would request approval of the INDOT-Vanderburgh County agreement.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

John Stoll: Then, next, I have a change order on contract number VC06-05-01, this was the rehab of the Old State Road bridge up north of Mount Pleasant Road. This change order is for an increase of \$17,917.96. The primary reason for the large increase was due to the fact that there were some existing bumps on each end of the bridge. In order to level that out and provide a smooth ride we had some overruns on the concrete deck overlay, as well as the approach asphalt.

Commissioner Nix: And we're still within budget on that?

John Stoll: Yes.

Commissioner Nix: Okay.

John Stoll: It won't take any new appropriations or transfers.

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 I have is a notice of intent for land disturbing activities for the University Parkway project between Upper Mount Vernon and Marx Road. The notice of intent has to be filed with IDEM, and even though we won't, hopefully, be, actually we probably won't be constructing the project until sometime mid to late next year, Bernardin Lochmueller is the consultant on the project is going to go ahead and file this paperwork with IDEM, and it needs your signatures.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Shetler: John?

John Stoll: Yes.

Commissioner Shetler: Before we get too much further here, Green River Road and Lynch Road intersection, what's the date we're looking at on that?

John Stoll: Based on the remaining work, it looks like about another couple of weeks. They were finishing up the grading work, hopefully, today, if not tomorrow. Then, they got some seeding, and some additional striping, and some sign installation. So, it shouldn't be anything more than another couple of weeks. The turn lanes that have been constructed on Lynch, and on the south leg, on Green River, haven't been opened as of yet, but, once the striping's been done, then they can get those opened. But, all the through lanes are open at this point.

Commissioner Shetler: All the through lanes are now open, and it's the, the traffic is back to normal? Pretty much back to normal, what it was?

John Stoll: I believe so. I don't think they've had to close down any lanes for any short term work. As far as I know all of the through lanes are open, and they should remain open.

Commissioner Shetler: Will they be doing that striping, and any other minor things that need to be done, in slower, if there are slower, periods of time during the day? As opposed to 7:30 to 8:30 in the morning, and as opposed to 3:30 to 5:00 in the evening?

John Stoll: I really don't know their exact schedule as of yet?

Commissioner Shetler: Can we kind of request that? Because those have been pretty tough times, and it's really put a bad situation, I think, for the residents out on that side of town.

John Stoll: Okay, I'll ask them about that. One other item too real quick, on the deeds that have been referenced on the agendas for the last couple of meetings in regard to Ruston Lane and Highway 57. We did get the signed copies of those back, and since it didn't require any Commissioners signatures on those deeds, we've gone through and submitted those for recording. So, once we do get them recorded, then we'll reference it on an upcoming consent agenda. But, we did just want to give you an update that that paperwork was received, and we are getting it recorded.

President Musgrave: Okay, thank you. Anything else?

John Stoll: That's all I have.

County Attorney

President Musgrave: Mr. Ziemer, report on the opening of the bids.

Ted C. Ziemer, Jr.: Yes, thank you. This is for cash management services for the Vanderburgh County Treasurer. We have four bids, and I want to point out that there are numerous variable contained within each bid, and then an indication of what the charges would be for those services, and then each bidder gives a total cap amount or total estimated annual charge. So, it's that bid that I'm going to read. Then, if the Commissioners vote to take these under advisement, then the Treasurer will review the services indicated in each bid and the amounts provided for that in arriving at a recommendation to the Commissioners for the bid to perhaps be approved. With that in mind, Integra Bank's bid is \$12,500; Old National Bank's bid is \$11,500; Regions Bank bid is \$43,156; and Fifth Third Bank bid is \$19,500.

President Musgrave: Is there a motion to take under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. See you next week. Mr. Ziemer, do you have anything further?

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

President Musgrave: Thank you.

Z. Tuley: Do you mind if I mention one thing, just really quick?

President Musgrave: Certainly.

Z. Tuley: The last contract that you signed for me back in March with the American Financial Credit Services, we have now had seven months worth of collection, to the tune of almost \$700,000. The exact figure is \$685,879. We are very pleased.

President Musgrave: And that money goes straight into the General Fund?

Z. Tuley: No.

President Musgrave: No?

Z. Tuley: It does get distributed to the townships, and the demand fee itself gets quietused into the General Fund, but it's a big boost to all that had worked really hard. They have kept us hopping.

President Musgrave: Good.

Z. Tuley: Okay.

President Musgrave: But, it is spendable money right away, because it's back taxes.

Z. Tuley: Yes, yeah, as soon as we do settlement.

President Musgrave: That's wonderful. Thank you.

Superintendent of County Buildings

President Musgrave: Marissa Nicholads, Superintendent of County Buildings.

Marissa Nichoalds: I just have a few items for you. First of all, starting this week, bid documents, especially those that the Commissioners bid out, will be placed on the Commission website for anyone to review that's interested in bidding on any county items. Second of all, I have a request from SWIDC to use the Centre, with a waiver of fees, but not overtime for a leadership program.

Commissioner Shetler: Marissa, with regards to putting those out on the website, would they be able to place a bid by e-mail, or anything like that as well?

Marissa Nichoalds: I do not believe so. I think, it will just be information with specific instructions to turn in bids, as normal, sealed by 3:30 the day of the meeting.

Commissioner Shetler: Would statutes prohibit us from doing that, Ted? From getting into—

Ted C. Ziemer, Jr.: Yes.

Commissioner Shetler: Alright, thank you.

President Musgrave: So, these bid documents that we put are essentially the exact same thing that we're putting in the newspaper. Any legal ad that we approve for the newspaper we'll go ahead and put up on our website?

Marissa Nichoalds: Right.

President Musgrave: Oh, I think that will be so handy. People will find that very useful. Just so you know, our website address is vanderburghgov.org, and you can pick the Commissioners page, and there are lots of pages to pick on there. So, I encourage you to find those and look at them. Because it does get it out there a few days earlier than the newspaper will be advertising them, and they're in a form that you can download, and forward, and do all sorts of good things with. Okay. Is there a motion to waive the fee for the Centre for SWIDC leadership program?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Soil and Water Conservation District

President Musgrave: Mrs. Duckworth? Norma Duckworth is here to give us an update on some successful grant applications.

Norma Duckworth: Norma Duckworth, the Vanderburgh County Soil and Water Conservation District. Yes, it's good to come and bring you good news. We've been recently notified that we have received three separate grants. The first two are from the State Soil Conservation Board, with the Clean Water Indiana grant money. One of those grants is for \$5,000 to help restore Howell Wetland, to make it more effective. We used some earlier Clean Water money to do some regrading and a native plant seeding. This will be used on water leveling and some earthen dams. It should make the wetland much more effective. The second one from the Clean Water money is a CREP marketing program. CREP is a program using state and federal monies, a cost share program. It's completely voluntary, to work with farms on field borders, seeding, tree planting. What this is doing is, this money will only be available in the Pigeon Highland watershed area until the end of 2007. So, we're going to be doing a mailing explaining this program, and anybody who's interested could call the office and possibly sign up for some of this cost share money. So, we will be doing a mailing on that. We also received, just recently, notification from DNR on Lake and River Enhancement money, which comes from boat fees and registrations. It's know as LARE, L-A-R-E, and that's the way it's publicized quite a bit. It's a LARE grant, and we received \$30,000 for the Locust Creek watershed, which is, of course, a sub-watershed of Pigeon Creek. Most of it will probably be in more ag type cost share. Some of this can be used with federal and state monies, and some of it will be stand alone cost share. We are also going to be having a public meeting December 5th and December 6th. The 5th will be in the evening, probably at the Vanderburgh County 4-H Center. The 6th will be a morning meeting, probably at the same place. We don't have any times set up for that yet. This also is a completely voluntary program. We'll be offering cost share money for things like tree plantings, again, field borders, and other conservation programs to improve water quality in Vanderburgh County. If we utilize this money, we will be eligible for possibly \$6,000 to \$90,000 more for this watershed in the next two to three years.

So, we're very excited about it, and we wanted you to know. We do have a little blurb on these on our website, especially the LARE program, because we are seeking people who want to do some work on their property. If anyone would be interested, they could go to our website, which is www.vandswcd.org, and our phone number is 867-0729. Again, these are cost share monies, and these are volunteer programs to increase conservation on the land and improve water quality. Any questions?

President Musgrave: No, congratulations to everyone who worked on that. It's wonderful to know that property owners who want to take advantage of this, have some money that they could possibly tap to improve, not only their own water quality, but as it goes downstream.

Norma Duckworth: Very well said.

President Musgrave: Well done.

Norma Duckworth: Thank you.

President Musgrave: Thank you.

New Business

President Musgrave: Is there any new business?

Old Business

President Musgrave: Any old business?

Public Comment

President Musgrave: Any public comment. Norma?

Norma Duckworth: Yes, Ma'am?

President Musgrave: Would you tell them out in the hallway that this is the time for public comment, in case that was the moment they're waiting for? Thank you.

Consent Items

President Musgrave: While we wait for the public comment, the consent items, we need to amend, has it been amended already? It's not on this list? It is on the list? So, the SWCD/Four Rivers letter needs to be removed from this consent agenda. Is there a motion to remove it, and then approve the amended list?

Commissioner Nix: So moved, as amended.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Public Comment Revisited

President Musgrave: I'm being signaled that the gentleman in the hall is not interested in making a public comment at this time. Is there anyone else? Do I have a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We stand adjourned.

(The meeting was adjourned at 3:50 p.m.)

CONSENT ITEMS:

Employment Changes:

Superior Court (1)	Health Department (2)	County Clerk (2)
County Highway (1)	Pigeon Assessor (2)	Burdette Park (2)
County Assessor (1)	Area Plan (1)	

Travel Requests:

Legal Aid (1)	Health Department (1)	Area Plan (1)
County Engineer (1)		

Commissioners:

Evansville ARC: Report of Activities: August 2006
September 26, 2006 Department Head Meeting Notes.

Treasurer: Monthly Report: August 2006.

Purchasing: Monthly Report: August 2006.

County Engineer: Pay Request No. 4: Integra TIF Account 4314.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

**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
OCTOBER 10, 2006**

The Vanderburgh County Board of Commissioners met in session this 10th day of October, 2006 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 October 10, 2006 meeting of the Board of Commissioners of Vanderburgh County. It is just about 3:30. We will start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Preston Edge: Preston Edge, Memorial High School.

President Musgrave: County Commissioner Cheryl Musgrave.

Commissioner Shetler: Tom Shetler, County Commissioner.

Rachel Krampe: Rachel Krampe, Central High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the October 3, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of October 3rd?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Permission to Award Bid for Cash Management: Treasurer

President Musgrave: We have an action item, County Treasurer, Z. Tuley is here to award the bid for cash management, which we took bids for last week. Treasurer Tuley?

Z. Tuley: Hi, I'm Z. Tuley, Vanderburgh County Treasurer. I did get the packets up to the Commission office. I don't know if you had time to review them or not, but the basic overall picture comes right down to the bottom line of who is going to have the least expensive annual cost, and that would be Old National Bank at \$11,500 for an annual fee.

President Musgrave: So, your recommendation is to award the bid to ONB on the basis that it was the most competitive?

Z. Tuley: It was the best bid.

President Musgrave: Best bid?

Z. Tuley: Uh-huh.

President Musgrave: Commissioners, are there any questions?

Z. Tuley: It was the lowest bid, I should have said.

President Musgrave: Okay.

Commissioner Nix: Move approval.

Commissioner Shetler: I will second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Z. Tuley: Thank you.

President Musgrave: Good luck.

Z. Tuley: Then, Ted will get back with me on the contract after review? It's in your packet.

Ted C. Ziemer, Jr.: Oh, is it in here? Okay, yeah, sure I will.

Z. Tuley: Thank you.

<p>Building Authority: Approval to Use F&B Funds at the Centre: Six Flow Meters</p>
--

President Musgrave: We move now to the Building Authority, here to ask for approval for six flow meters for the Centre using Food and Beverage Funds. Mr. Dave Rector.

Dave Rector: Good afternoon, Dave Rector, Building Authority. I think I forwarded to you Scott Moore's e-mail, just describing what we needed to do. I thought his explanation might help. But, the flow meters control and help stage the boilers and

chillers for the HVAC system. We need to replace six of them at a cost of approximately \$12,000, and wanted to request we do that with F&B funds.

President Musgrave: Any questions? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Dave Rector: Thank you.

President Musgrave: The motion carries.

Health Department: HIPPA Agreement: MRC
--

President Musgrave: Health Department HIPPA agreement. This agreement with MRC, the IT contractor for the county, has been reviewed by the County Attorney and has been found to be satisfactory. Are there any questions? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: Department head reports, Mr. Stoll, County Engineer.

John Stoll: I've got two items, the first is a supplemental agreement for the University Parkway project, phases two and three. This supplemental agreement is for \$26,500, and it is required by INDOT as part of some additional soils work that is necessitated by the fact that the road alignment has been shifted. About 1.3 miles of the road alignment was shifted, as you know, and because that's on a new alignment, that additional soils work has to be done to comply with INDOT. The supplemental is with Bernardin Lochum Mueller's original design agreement, and I would request approval of that supplemental.

President Musgrave: This is all part of the alignment that was shown at the public hearing that we had some months ago.

John Stoll: Right.

President Musgrave: So, there have been no changes in alignment since that time?

John Stoll: Right, this is just to do the soils work for that alignment that was presented at that time.

President Musgrave: Alright, is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The second item I have is a deed for a right-of-way dedication on Boulder Pass at Browning Road. This right-of-way dedication is for the owner/developer of the ground off of Boulder Pass to do some improvements to the intersection of Boulder Pass and Browning. It's a privately maintained road. It's all going to be done without any county funds or county forces, and the right-of-way dedication's just needed because it is an expansion of an existing, platted public right-of-way.

President Musgrave: Is there a motion to approve?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: Okay, thank you. I understand that none of the department, other department heads had anything to report. Is anyone else here? Mr. Ziemer, any reports?

Ted C. Ziemer, Jr.: No.

Board Appointments

President Musgrave: Alright, we move on now to board appointments. Pigeon Creek Greenway, Sue McCool Lochmueller to fill our vacancy on that. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

New Business/Old Business

President Musgrave: Is there any new business? Is there any old business?

Public Comment

President Musgrave: Is there anyone here to make public comment to the Commissioners? I see no one.

Consent Items

President Musgrave: We have a consent agenda. Commissioners, is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Any other business?

Commissioner Nix: Motion to adjourn?

President Musgrave: Thank you.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: We are adjourned.

(The meeting was adjourned at 3:38 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1)	Sheriff Office (6)	County Clerk (1)
Prosecutor (1)	Auditor (1)	

Travel Requests:

SWCD (2)	County Clerk (2)	Auditor (1)
Health Department (7)	Commissioners (1)	

Commissioners:

IBAP Gatekeeper Report.

Legal Aid Statistics: September 2006.

Thank You Letter to SMG from the Indiana Business Diversity Council.

EPD: Use of Centre: Waiver of Fees

Wesselman Woods Surplus Office Furniture Transfer Request.

Department Head Meeting Notes: October 3, 2006.

Auditor: A/P Vouchers: October 2006.

County Engineer: Pay Request No. 5: Integra Acct. 4314: Green River TIF.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Z. Tuley	Dave Rector
John Stoll	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
OCTOBER 17, 2006**

The Vanderburgh County Board of Commissioners met in session this 17th day of October, 2006 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 October 17, 2006 meeting of the Board of Commissioners of Vanderburgh County. It is approximately 3:30, and we will begin with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Rachel Krampe: Rachel Krampe, Central High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Joe Gries: Joe Gries, Chief Deputy Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of October 10, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of October 10th?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Recognition of Sergeant Brock Babb

President Musgrave: First item on our agenda this afternoon is the recognition of the service of Sergeant Brock Babb, who was killed a few days ago in Iraq. Sergeant Babb was a resident of Vanderburgh County. We have here this afternoon his brother, Terry B. Jay, I'm sorry, B. Jay is his brother, Terry Brock is his dad, and

Tanner, his son. If you would like to come forward. I understand that, B. Jay, you have some thoughts to share with us.

B. Jay Babb: This being a community organization, the first thing Brock stood for was this community. I think in the news articles and the paper, so far they have done an excellent job in representing what Brock stood for. Obviously, the west side of this community would not be what it is without this man. He has done so much, and raising his three wonderful kids; Tanner, Zoey and Levi. We want to foremost, I think, thank the outpouring of support, or the support that has come to us so far, whether it be our friends and family or those that we don't even know. It has been tremendous so far, and everyone asks what they can do to help right now, and, obviously, right now, there's only so many things to be done, but the main thing we ask is that you keep our family, especially Brock's kids and Brock's wife, Barb, in your thoughts and prayers. There is one thing Brock, he was very, very good at a lot of things, but I always said when he became a Marine, he was built for it. He was made to be a Marine, and he was excellent at it. He was excellent. He was, the reason he got back in was to train the young men. When he came to tell all of us that he was re-enlisting two years ago, the number one thing was there's a lot of young men out there, but they don't have the leadership right now in the numbers that they need, and that is why I'm going, because I believe I can help. Even though Brock was not in Iraq for that long, the training that he did with these young men over the last two years, we know that he helped prepare them so that they all can come home. I thank him for that every single day. We thank you all for your time.

President Musgrave: No words can express the sacrifice that Sergeant Babb has made. Our nation's highest calling is to serve as a soldier, especially during time of war. Our freedoms were bought and then they were kept by soldiers. Your family member, your brother, your father, your son, made the ultimate sacrifice for our country. I want to express my personal gratitude for that, but I know that it's a tragic loss for you, and it's a tragic loss for Evansville, and I just wanted you to know that my prayers are with you, my heart is with the children especially, and I will be thinking of Barb and your journey over the next few days and years. I do want to thank you again for his service.

Commissioner Nix: On behalf of the county and my family, the ultimate sacrifice, and there's just not a lot to say at a time like this, but my thoughts and prayers, and, hopefully, the county and I know everyone's getting behind you in your time of grief. We're with you now, and if there's anything we can do, please let us know.

Commissioner Shetler: You know, I don't know, Terry, if you grew up in the Catholic school system or not. I noticed one of the kids, one of the grandkids goes to St. Agnes—

Terry Babb: Right.

Commissioner Shetler: —I think from the paper I saw, but whenever I was growing up in the Catholic school system the nuns used to point out how the cross, the crucifix on the back was to remind us that Jesus Christ had died on the cross for us. It didn't come to me until later in life that the flag represents that same thing, in that the men who died for us, and it should remind us every time that we do the Pledge of Allegiance and every time we see that flag should remind us to say a prayer for those folks and those families who sacrificed. It's the families, as much as it was the soldier who have sacrificed and given up so much for us. I greatly appreciate that.

So, just my word is that each time that we look at that flag that we're reminded, and to say a quiet prayer to ourselves for what they've done. So, thank you.

President Musgrave: Joyce Moers from Burdette Park is here, and she asked that I would tell you that she is going to donate a tree in Sergeant Babb's memory for the memorial tree program out at Burdette Park, and that she will be doing this in the name of the Burdette Park Day Camp where I understand all three children have attended and are likely to be there next year too. But, Joyce is going to have this tree planted very soon to recognize his service and honor his memory. Thank you, Joyce.

Johnny Kincaid: Smokefree Communities: No Smoking Sign Examples

President Musgrave: Next on our agenda is Mr. Johnny Kincaid from Smokefree Communities. Mr. Cain, Kincaid is here to speak about the possibility of making signs, "No Smoking" signs available during this upcoming year to businesses as we roll out the anti-smoking ordinance.

Johnny Kincaid: Sure. And thank you for your commitment to this issue. I really, the Commissioners have been very thoughtful throughout this process, and especially Tom Shetler for your leadership on this issue. We really appreciate that. 28 communities in the state have passed local smoke free ordinances now. That is, that's a great accomplishment. We are networking with those communities so that we learn what they go through in their implementation phases and all of that and get an understanding of what needs to be done to help the local community make adjustments. We do have a unique challenge here, and I want to make sure that people are very aware of that unique challenge, and that is that the city did not pass an identical ordinance to the county's. There are much bigger gaps between the two than most people in the community are really aware of. That presents us with some unique challenges when it comes to educating the business community on the ordinance, because there is such a big disparity between the two. We are committed to doing whatever it takes to help educate the community. I was in contact with our funding source at Indiana Tobacco Prevention and Cessation today, and making sure that funds would be available for us to use here in the local community to provide, you know, information, to provide signage and those sorts of things for the business community here. The good news is, yes, we'll have that available. What I have provided to all of you was, first of all, just a sample of what they did in Indianapolis after passing the ordinance there, as far as their signs go. A sample of their "No Smoking" sign, and then their warning, this is a smoking establishment sign that they use. Actually, this is a pretty good format that they followed for putting these together. One that we definitely support doing. There's also something that we've done here locally that's a little more colorful, and a little more friendly looking, which is the Fresh Air Partners clings that we've provided to a lot of businesses here in the community. This started with the support of the hospitals when they developed their smoke free campus policies. So, we put these clings together. That's one possibility, thing that we can provide within the community. The other thing that I'll point out to you is our Smoke Free Dining Guide. This is our 2005 edition. We will update this, taking the new ordinance into consideration, come the first of the year, and have these available within the community. We will also make web resources available. We will take one of our websites and devote it 100 percent to the ordinance to provide information to the community, to provide signage that can be downloaded from the website. We'll use Mr. Ziemer's FAQ's on the county ordinance there. We'll be busy trying to provide

as much information as we can county-wide. We're trying to get in with Kiwanis and all of the service organizations as well to make presentations there, because we want to make sure that the community is aware of exactly what the ordinance covers, and how it affects local business. We'll also be able to put together kits. The advertising agency that we work with on a state-wide basis, MZD Advertising, has said that they're willing to put together kits for us to distribute for informational purposes. We'll work very closely with the county Health Department in all of this as far as implementation goes.

President Musgrave: Well, that's all very good news. Thank you, because I think that everyone will be curious come January 2nd when the law goes into effect. I think, my own personal opinion is, it would be nice to have some signs that help establish the boundaries of where you are—

Johnny Kincaid: Sure.

President Musgrave: —allowed to smoke, and where you are not allowed to smoke.

Commissioner Shetler: Johnny, I'm particularly glad that you guys have come forward and are offering this. I think one of the things that I would, I guess, recommend to the Commissioners is that, you know, our job was to establish the ordinance, and to establish the policy, I guess, that you might have for our county. I think from this time it's really who's going to handle it. I think that we ought to look seriously at the Health Department being that kind of lead agency. I think if it's viewed as from the County Commissioners doing this or doing that, that it becomes more legal and say in a restrictive sense, as opposed to the Health Department doing it for the sake of your good health and for the public welfare.

Johnny Kincaid: Uh-huh.

Commissioner Shetler: I think that there's, while it seems like maybe a minor shift, I think the emphasis on it is probably much greater than that. So, I would like to see us kind of go in that direction with it. It seems like they're the appropriate body or agency. Of course, that doesn't come, it's an unfunded mandate is what that is, I guess. So, it doesn't come with any dollars attached for extra personnel, but I think that that's the appropriate body, so.

Johnny Kincaid: The fortunate thing is that we'll be able to work hand-in-hand with the Health Department—

Commissioner Shetler: Right.

Johnny Kincaid: —to help with the implementation.

President Musgrave: I know that our attorney is looking into putting the language about signs into our ordinance, and perhaps we'll have something to discuss on that next week, after you review all of the applicable ideas from everyone else's ordinances.

Johnny Kincaid: One other thing that I want to add is that I just want to assure you that we are going to continue to work as hard as we can with the city of Evansville to try to bring that ordinance up to, you know, we look forward to the day that what we have in our community is every bit as good as what was passed in Henderson, Kentucky. That's the goal that we're striving for, is to get that full, comprehensive

ordinance. We'll be working very hard, doing everything we can within the city to try and make that happen.

President Musgrave: Okay. Thank you for coming.

**Treasurer: Depository Agreement with ONB for Cash Management:
(Deferred)**

President Musgrave: At this time we move to contracts, leases and agreements, the Treasurer, depository agreement with Old National Bank, is that ready?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay, we will skip that then.

The Centre: Notice of Change in Pay Phone Agreement

President Musgrave: The Centre has a notice of change in pay phone agreement. This has been reviewed, and SMG has indicated that they would like this lease agreement to remain in place. Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: I'll second. I do have a question. Is there going to be a cost to the county in this, an additional cost?

Ted C. Ziemer, Jr.: No.

Commissioner Shetler: Alright.

President Musgrave: We have a motion and a second. Any further questions? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

County Attorney

President Musgrave: Department heads. Most have reported that they have nothing to report. Mr. Ziemer, do you have any reports?

Ted C. Ziemer, Jr.: Well, okay, we have Four Rivers RC&D appeared before the Commissioners a couple of weeks ago and requested a letter of notice be sent to various public agencies; the Sheriff, the Surveyor, the Emergency Management Agency, and the Vanderburgh County Dispatch regarding the fact that in the course of their water sampling program they are going to have their trucks, from time to time, on public right-of-ways, and, I think, you have in the file a, actually four forms of letter, one to be sent to each of those groups, if you agree to do that.

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.

Ted C. Ziemer, Jr.: Old National Bank, in the course of it's being audited on an annual basis as it is, Old National has a lease with Vanderburgh County under which they lease energy management system equipment to the county. Their auditors have asked for us to confirm the terms of that lease, that is the next payment date, the amount of that payment, the number of payments remaining, and the maturity date of the lease. I verified those various figures with the Vanderburgh County Auditor, and you also have that in your file, and if you approve it, it's satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Nino Cocchiarella has approached the Commissioners asking for a renewal of his lease for space in the Old Courthouse. We have prepared that lease, after conferring with Marissa Nichoalds as to the substantive terms. It's identical to the lease for last year, except the term will begin November 1, 2006 and end October 31, 2007. It is satisfactory for execution from a legal perspective.

President Musgrave: And it is on the consent agenda.

Ted C. Ziemer, Jr.: Oh, is it? Okay. I'm never quite sure what's there. That's it.

President Musgrave: Okay. Any new business?

Commissioner Shetler: Since we brought up that, and it's on the consent, I might as well just ask the question, is that any increase in rent, or is it the same as last year and before?

Ted C. Ziemer, Jr.: The rent is the same as last year. It's identical to last year's lease.

Commissioner Shetler: Alright, thank you.

Ted C. Ziemer, Jr.: The lease contains a provision that if there had been substantial increases in the cost of gas and electricity to the premises during that time, that the Commissioners have the option to, of course, it's a one year lease, so we've got the option to do anything we want to, but it has been determined that there was not a

significant increase and that the rent can continue at the same basis, if you approve it.

New Business

President Musgrave: While we are waiting for a document to be brought forward, is there any new business?

Old Business

President Musgrave: Is there any old business?

Public Comment

President Musgrave: Is there any public comment on items the Commissioners have control over?

Consent Items

President Musgrave: Then we have the consent agenda. Is there a motion to accept the consent agenda?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Announcement of Bond Rating Upgrade

President Musgrave: We have some good news, but we're waiting for the document to be brought back. So, if you'll all just hold on a moment while it comes forward. While we're waiting, sometimes Drainage Board goes first, and sometimes Zoning goes first. Is there anyone here? Mr. Jeffers, are we going first with Drainage Board tonight? Okay.

Commissioner Shetler: I can go ahead and start on this other. Okay, let me go ahead, we had gotten word today from Umbaugh and Associates that our bond rating has actually increased. Which means that we are going to get a more favorable rate in the future. It's basically because of the strength of the county's economic situation. We were rated before at A, and I believe it went to a AA-. I believe that was by Moody's and Poor. So, to the best of my recollection there. Thank you. Yeah, it went from an A to a AA- on the county's bond issues that, the last two outstanding bond issues. It's a sign of a healthy and stable economic activity throughout the county. The taxes, Food and Beverage Tax and County Option Tax being used to repay the bonds are generating enough revenue and providing the

necessary coverage levels to warrant a rating upgrade. So, I think that's great news for Vanderburgh County, and it's great news for the citizens and the taxpayers.

President Musgrave: It is great news, and it indicates the health of our local economy. Well, if we have no other business, is there a motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Drainage Board follows immediately.

(The meeting was adjourned at 3:52 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (2)	Health Department (1)	VCCC (3)
Sheriff Office (1)	Public Defender (1)	Prosecutor (1)
County Clerk (1)		

Travel Requests: SWCD (1)

Burdette Park: Blue Claims & Change Orders for various projects.

Surplus Requests: Superior Court (1) & Knight Assessor (1).

Auditor: Drawdown No. 4: Knight Township CDBG Grant Funds.

County Engineer: Pay Request No. 6: Integra Acct. 4314: Green River TIF.

Area Plan Commission: Community Rating System Recertification Recognition.

Commissioners:

Old Courthouse Nino Cocchiarella lease.
Old National Bank Letter of Lease Verification (Energy Savings Program).
Letter to Fred Happe, German Township Trustee.
THD&F: Proposed Changes to County Employee's Insurance.
Four River RC&D: Letter of Water Sampling Project: County Right-of-Way.
Letter from the Planetary Planners.
Department Head Meeting Notes: October 10, 2006.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Service

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Joe Gries	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Rachel Krampe	B. Jay Babb
Terry Babb	Johnny Kincaid	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.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 24, 2006**

The Vanderburgh County Board of Commissioners met in session this 24th day of October, 2006 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 October 24, 2006 meeting of the Board of Commissioners. It's 3:30. We will start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Preston Edge: Preston Edge, Memorial High School.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the October 17, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of October 17th?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Open Bids: VC06-10-01:
Kuebler Road Bridge Rehabilitation**

President Musgrave: Is there a motion to grant permission to open bid VC06-10-01?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. We will be looking to award that bid, if possible, later on in the meeting.

Steve Craig: Burdette Park: Keep Evansville Beautiful Award

President Musgrave: First action item, Mr. Steve Craig of Burdette Park here on the Keep Evansville Beautiful award.

Steve Craig: My name is Steve Craig, I'm the Manager of Burdette Park. (Inaudible. Microphone not on.)

Steve Craig: Steve? Steve? Turn the microphone on.

Madelyn Grayson: Push the blue button there. I'm sorry, that should have been on.

Steve Craig: I'm here today, Burdette had received a 2006 Beautiful Business Award for our landscaping and that at Burdette, but like I was saying, I think that this is something that should be given to the County Commissioners, that they would have the concern and the enthusiasm for landscape that we would be allowed to do this in the park. They gave me the freedom to pretty well do what we want, but the results are if you come out there to see, I think, are very beautiful, and I want to recommend them for their efforts in letting us do what we can do as well as we do do it. At this time I would like to give them this award. We are starting a tree memorial, and a trail that we're going to USI with, and I look forward to doing the landscaping on the trails, and the tree memorial with the same enthusiasm that we had that took care of this award here. I want to present this to the Commissioners.

President Musgrave: I think it's wonderful that you and the members of the staff who worked so hard at Burdette Park were recognized by Keep Evansville Beautiful, with the presentation of this outstanding award, 2006 Beautiful Business Award. That is a really lovely plot here on the front. Congratulations!

Steve Craig: Thank you.

Reading of Bid: VC06-10-01: Kuebler Road Bridge Rehabilitation

President Musgrave: Next on the agenda is...okay, if you'll wait for just a moment, Treasurer Tuley, we have the bid opening for the Kuebler Road bridge rehabilitation.

Ted C. Ziemer, Jr.: Thank you. We just have one bid, it is from Gohmann Asphalt Construction, Inc., and the bid amount is \$178,400.

President Musgrave: Mr. Seib, would you....there we go...Mr. Seib, you'll be taking that back and looking it over to make sure it's complete, and then come back later on in the meeting?

Patrick Seib: Yes.

President Musgrave: Okay, good.

Treasurer: November 10th Property Tax Update

President Musgrave: Treasurer Tuley here to talk about property taxes, our least favorite subject.

Z. Tuley: The most popular elected official in the county, the tax man. I just wanted to remind everybody that the property tax deadline is approaching, it's November the 10th. All tax bill information, in case you've misplaced your tax bill, can be located on the website at www.vanderburghtreasurer.org. I want to strongly urge the public to pay their property taxes at the 16 convenient bank locations Integra has. It includes all of Vanderburgh County, Gibson County, Posey County and Warrick County bank locations, for your convenience. So, if you work outside of the county, it's still convenient for you to pay. I recommend that you use the drive thru. If you want to walk in, you're welcome to walk into the bank. There is no fee there, and you are given and provided an official receipt. If you wish to pay on-line, there is a convenience fee, but on that same website you can pay on-line. You can also pay by 1-800-2PAYTAX, and the jurisdiction code is 2405. However, all of this information is located right on your bill. If you cannot find a bill, you can call my office at 435-5248, and we will be happy to provide you with another one. One of the sticklers that seems to occur every single tax deadline time is that people are dropping their payments in the mail, in the little blue boxes that are posted around town, and they are not paying attention to the last pick up time. If you've missed the pick up time, then your payment is not going to be postmarked until the next day, and that makes it officially late. According to Indiana Code we cannot honor a meter mark. So, it has to be postmarked. So, if you are one of those that wants to wait until the last day, I strongly urge that you walk them in to the Post Office to pay. Our office is open from 8:00 to 4:30. The deadline is Friday, November the 10th. You're welcome to pay in my office, however, we do have limited parking around the Civic Center, and we usually have long lines, and we do have a limited staff. So, the banks are better equipped to take care of you quickly, if that's your desire. Any questions?

Commissioner Nix: Z., what's the latest they can pay on-line? That day up to the closing time of your office?

Z. Tuley: As long as the payment transaction has been completed before midnight, that is considered an on time payment.

Commissioner Nix: Okay, midnight the day they are due?

Z. Tuley: Midnight, uh-huh.

Commissioner Nix: Okay.

Z. Tuley: November 10.

President Musgrave: That web address for your on-line payments is?

Z. Tuley: It's www.vanderburghtreasurer.org.

President Musgrave: Okay.

**Treasurer: Depository Agreement with Old National Bank for
Cash Management**

President Musgrave: While you're here, and before you get away, we have some cash management contracts to award.

Z. Tuley: Okay.

President Musgrave: I know the County Attorney has reviewed them. Do you have any remarks to make?

Ted C. Ziemer, Jr.: No, unless you have questions?

President Musgrave: Alright, I am looking for the list of them, and I can't quite see it. Here we go, the depository agreement with Old National Bank for cash management. Is there a motion to award this contract?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Z. Tuley: Thank you.

President Musgrave: Thank you for coming to remind us about the property tax due date on November 10th.

Z. Tuley: Thank you.

Ted C. Ziemer, Jr.: Excuse me. That was, tell me which contract you read there? There are six different contracts which we've examined, and all of them are to be approved.

President Musgrave: We have listed on the agenda only one, depository agreement with Old National Bank for cash management. Marissa, did I overlook the other five, or are they listed?

Ted C. Ziemer, Jr.: I'll just read them into the record.

President Musgrave: That would be fine.

Ted C. Ziemer, Jr.: You, of course, were provided a copy of all of these. Mrs. Tuley has a copies of all of them. We've examined all of them, and we have reported, giving our opinion on each contract. There are; depository agreement, a master agreement for cash management services, a wholesale lockbox service agreement, an agreement for automated clearinghouse services, a Bank Connect Plus service agreement, a Bank Connect Plus user access profile sheet, and a Bank Connect Plus billing information. Each agreement, if the Commissioners should decide to

approve them, have to do with the depository agreement. Each agreement is to be, and various information was required to be filled in on the agreements, which has been filled in by Mrs. Tuley, and if you approve the agreements, they are all to be signed by the Commissioners on behalf of the Vanderburgh County Treasurer. I think, in most cases, they're made for the signature of the President of the Commissioners. My suggestion would be that you have a motion to approve all of the agreements which I have read into the document, and then whatever your decision would be.

Z. Tuley: The depository, if I might, the depository agreement is kind of a summary of all of the other agreements that he's talking about. It basically goes into a little more detail. There are some, if I'm going to remember the acronym correctly, NACHA rules that go along with ACH, and, so, there are certain guidelines that you have to follow. So, those guidelines are spelled out and that kind of thing. With the lockbox it's the same situation. It's a little more detailed. We're going to pick up your mail, and we're going to process it for you once a day, that kind of thing. It's just a little more detail, and it's the standard form for probably any bank.

President Musgrave: To make sure the record is clear. Is there a motion as outlined by our attorney?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

Z. Tuley: Thank you.

Ted C. Ziemer, Jr.: Then, excuse me, Madelyn, you have those agreements and they're ready then to be signed by the Commissioners at the appropriate time, right?

Madelyn Grayson: Yes, I do.

Election Results Website

President Musgrave: We have here with us today, Greg Grabner and Jay Harris with the county IT department. I guess, we're calling that computer services, to demonstrate a new website that they were the programmers for, and put in some hours conceiving this website that you see on the screen here. I'll go ahead and turn it over to Mr. Greg Grabner and Jay Harris, who both shared in the programming.

Greg Grabner: Yeah, let's see, I guess, here to present the, or show the Vanderburgh County election results webpage that we presented.

President Musgrave: Greg?

Greg Grabner: Yes?

President Musgrave: Talk as closely into the microphone as you can.

Greg Grabner: Okay. Right now we currently have the 2004 election data on there. It's pretty easy to use. We have the drop down box for the election races. As you can see, Jay right there is browsing, picking one for the State Representative District 76. We have bar graphs on the website itself to show how close the race might have been, how many people voted, percentages and stuff like that. It goes even further down to show the precincts.

President Musgrave: Would you like to pick like another race? Just to show that it's interactive. This is, again, historical data, November of 2004, and that right there that's being displayed, that's School Board District One, and it shows who won, what precinct in a certain color. You gentleman helped make what I saw in my mind appear on the screen, and it's our hope that on election night we'll be able to capture the data, the votes as they're being counted in the election office by precinct and keying that in so that it can be viewed on-line, in addition to the information that the County Clerk normally makes available on-line.

Greg Grabner: Yes.

President Musgrave: To give it a sense of which precinct is being counted, and how it's unfolding color-wise across the county. These gentlemen helped me over the past couple of weeks. I would like to thank you, and I would also like to thank my daughter, Margaret Musgrave, and my friend Mary Jane Steele who very patiently read the numbers on the spreadsheet to me over a ten hour period so that I could type them in and hand those over to you. But, Commissioners, I wanted you to see that we've added this website to the information that we added a couple of months ago, which you see a link to here on the right hand side, the 2006 precinct maps. If you'll recall, the League of Women Voters asked us to make those maps available so that they could print them out and post them in stores and libraries and other facilities all around the community, so that everyone would be able to find their precinct and vote on election day. So, this website just gives more information about the results of an election.

Greg Grabner: Correct.

President Musgrave: My strongest hope is that it helps people understand the election process more, and motivates more people to get out and vote. So, thank you for your help. Oh, since you're the webmaster—

Greg Grabner: Actually, he's the webmaster.

President Musgrave: Oh, Jay's the webmaster. Jay, come and give the address where people would e-mail comments or questions to.

Jay Harris: You can send comments and questions to harrisj, or jharris, the letter j, harris@evansvillegis.com.

President Musgrave: Okay, thank you, Jay.

Commissioner Nix: And the website address is, once again?

Jay Harris: [Www.evansvillegis.com/election](http://www.evansvillegis.com/election).

President Musgrave: Thank you, gentlemen. I appreciate all the efforts you've made.

Commissioner Nix: Thank you for your work.

<p>First and Final Reading of Ordinance: CO.10-06-020: An Ordinance Amending Chapter 2.48 (ITAC)</p>

President Musgrave: We have next on the agenda, the amendment to county ordinance chapter 2.48, commonly known as the ITAC. Mr. Nix, would you like to take this?

Commissioner Nix: Yes, basically, what this amounts to, the only change that was made to the ordinance is we saw a need, I guess, there was a request from the board, from the ITAC board to have a proxy vote if the person that was elected to the board couldn't make it to the meeting, a proxy vote would, they could designate somebody for the proxy vote. That's what this addresses. So, and I would like to make a motion that we approve this.

Commissioner Shetler: Second.

President Musgrave: As an amendment?

Commissioner Nix: As an amendment.

President Musgrave: As an amendment to an ordinance, does it require waiving the second reading?

Ted C. Ziemer, Jr.: Yes.

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

President Musgrave: Okay, and you're second?

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Roll call.

President Musgrave: Roll call. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes to waiving the second reading. Is there a motion to approve the ordinance?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: And I would like to call for comment at this time. I know I have comments. If anyone has comments? I'm not in favor of this change to the ordinance, because when we first drafted this ordinance, it was to make a new beginning of an old board that was called Data Board, and Data Board gradually declined in its effectiveness over time. So, when this ordinance was brought before us, it was to have the elected officials themselves serve on the board, and not send staff members, their deputies, and I am in favor of the elected official or the head of the department being the person serving on this board. I am not in favor of them not attending these monthly meetings and giving their opinion. So, I will now call for the vote. Unless there are more comments?

Commissioner Shetler: I want to ask a question, is that a permanent designee, or can it change from time to time?

Ted C. Ziemer, Jr.: No, what the ordinance provides for is that any named member, except the person appointed by the Mayor, the Mayor's appointee is provided for in the ordinance, and then it's the appointment of the Mayor. So, there's actually two there. Except for the appointee of the Mayor, any named member can by, in writing, to the ITAC board, name an alternate to serve for him or her. After that person is named, either the named member or the appointment can attend the meeting and be a voting member. That would last until it's changed by the person who made the appointment.

Commissioner Shetler: Alright, thank you.

President Musgrave: We have a motion and a second. All those in favor?

Commissioner Nix: Aye.

Commissioner Shetler: Aye.

President Musgrave: Opposed? Aye. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote no. Show the amendment to county ordinance 2.48 as passed.

**First and Final Reading of Ordinance CO.10-06-019:
An Ordinance Amending Chapter 8.24: Smoking Ordinance**

President Musgrave: We have a second amendment to a county ordinance, 05-06-009, the smoking ordinance. If you'll recall, we had discussion about this last week that requires establishments to post signage advising that the facility, restaurant, whatever it may be, as a non-smoking establishment. Smokefree Evansville last week said that they would be able to provide most of the signs that are required under this ordinance. There is a single exception that they will not be able to provide. Is there any discussion? Or a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And I vote yes. Since this is an amendment to the ordinance that motion then was to waive second reading, Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Is there a motion to pass it on first reading?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Before we do that, I need to go back and do a roll call vote for the first one. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. And we have a motion to pass it on first reading, and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

**Keith Poff: Consideration of Amended Rezoning Ordinance: VC-16-2006:
1034 Beacon Hill**

President Musgrave: We move now to Keith, is that Poff? Consideration of amended rezoning ordinance VC-16-2006, 1034 Beacon Hill. Welcome.

Keith Poff: Good afternoon. Regrettably I'm here to ask for your consideration on an amendment to the ordinance you passed last week for the rezoning petition. There was an error in the caption of the description that needs to be corrected. I don't know if you have copy in front of you, but in the caption I had a quarter quarter reference referred to as southeast, it needed to be southwest. Two letters off.

President Musgrave: Is there a motion to waive second reading to amend this ordinance?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I'll call the roll? Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Is there a motion to pass the ordinance on first reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I vote yes. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: I vote yes. Show it as amended.

Keith Poff: Thank you.

**Letter from Mayor Jonathan Weinzapfel:
Notice of Termination of Joint Department of Central Dispatch
Interlocal Agreement**

President Musgrave: Next on our agenda is a letter from Mayor Jonathan Weinzapfel, notice of termination of joint department of Central Dispatch interlocal agreement. Commissioners, I brought this to your attention because it is a letter from the Mayor wishing to terminate the Central Dispatch agreement that's been in place, I think, for about ten years, and also to change it a little bit in that it would require us to use the fees from Reverse 911 to fund this department. This has been talked about on the Central Dispatch board for several months, and the Council is aware of it. I think that we need to ask our attorney to sit down with the City Attorney and begin drafting a revised ordinance. This letter constitutes a two year notification, because that's what the prior ordinance required. So, this is the two year notice from the city that they are no longer willing to continue that agreement and are seeking a different type of agreement. So, if there is a motion to ask our attorney to begin negotiations with the City Attorney?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Thank you. We'll be pleased to do that. I just want to point out that the other agreement does not, however, expire until October 28, 2008. So, it's not a huge rush that we get this moving.

President Musgrave: Right. I did ask the Mayor if he was going to leave the governing part of the board in place. There's a board with representatives from all the safety units in the city and the county and the County Council, and it's the intent to leave that governing structure in place and take, looking more at the financial distribution, and that's, I don't think that would be too hard. I would be in favor, if the city is, of going ahead and making those changes now. Why wait two years if that's our desire?

Ted C. Ziemer, Jr.: Okay, thank you.

**Torian Hofmann Dillow & Flittner:
Contract for Group Health Insurance Renewals Effective 1/1/2007**

President Musgrave: Okay, we already did the first item under contracts, agreements and leases, and we can move now to the contract for group health insurance renewals effective January 1, 2007. Mr. Tony Flittner is here to go over that with you.

Tony Flittner: Hi, my name is Tony Flittner. I'm with Torian Hofmann Dillow and Flittner insurance agency. We act as your insurance advisors for Vanderburgh County. I wanted to recommend that you accept the renewal offer from Anthem

Insurance companies at the renewal rates, as they are fair and would be expected. With regard to the Spectera Vision plan, I would recommend that you renew it as well. There is no change in the plan design, and no increase in the rates whatsoever. The dental plan is through Health Resources Incorporated, they've offered a plan that at renewal that gives adults orthodontics benefits. I would recommend that you accept that renewal offer. Then the final matter would be with Welborn Health Plans, they've offered to renew at a four tier rate structure, which allows for a more fair pricing arrangement between the different classifications of coverage, which would be; a single employee, an employee and spouse, or employee and children, or family. Today, as we speak, the rate structure is three tier. A four tier rate structure is a better way to go. It's the same way that the Anthem health insurance plans have been offered for years. So, it aligns everything up nicely and makes everything fair from one plan to the next. Then, the final item would be that with Welborn Health Plans, there's a slight change that we can make with the provider list that will allow a savings to the county, somewhere we hope in excess of \$200,000 for the year. I would recommend that that be passed.

President Musgrave: I served on a committee with you and Lloyd Winnecke, president of County Council, Royce Sutton, member of County Council, and we had the advice of Gary Heck from the Health Department and we met over a period of a few months where you managed to surface these options for us, and finding a cost savings of around \$200,000 with very minimal impact on any employee access to providers was outstanding work. I want to thank you for finding that for us.

Tony Flittner: Thank you. Was glad to do it.

President Musgrave: Is there a motion to approve the contracts as he listed?

Commissioner Shetler: I do have one question, Mr. Flittner.

Tony Flittner: Sure.

Commissioner Shetler: Did you say on the Health Resources that there was no increase on that?

Tony Flittner: There's a slight increase. For example, on the single employee, I think, the rate increases 70 cents. For a family the rate increase is \$2.46 per month.

Commissioner Nix: I don't know if it was addressed or not, but the life insurance will remain the same then, at \$15,000?

Tony Flittner: The life insurance numbers all remain the same. The rates for those, for that plan does not change. We negotiated a multi-year rate back when we set that in place.

President Musgrave: I did try to talk him out of more life insurance, and he assured me that he had squeezed the blood out of that turnip.

Tony Flittner: She sure did.

Commissioner Nix: I think that you had had an increase in life insurance, not the premiums, but the benefit two years ago? I think it went from \$10,000 to \$15,000 then. So, that's a plus in itself.

Tony Flittner: Yes, sir. That's correct.

Commissioner Shetler: I make a motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Tony Flittner: Thank you.

President Musgrave: Thank you, sir.

<p>Health Department: Nextel Agreement & Hewlett-Packard Maintenance Agreement: Computer Services</p>
--

President Musgrave: The County Health Department has the Nextel agreement. It's been reviewed by the County Attorney. It saves money, although I don't have the exact figure that it saves. There is also a Hewlett-Packard maintenance agreement brought by the county computer services department. It too has been reviewed by the County Attorney, and it looks like it's about a \$4,000 savings. No, I'm sorry, gosh, \$11,000 a year? That's a pretty good savings that they managed to get on that. Is there a motion to approve both?

Madelyn Grayson: I don't have the Hewlett-Packard agreement in my file. Matt Arvay was going to bring it to the meeting.

President Musgrave: Well, how about if we approve it on the condition that you get the agreement for us to sign? So, is there a motion to approve both of those, pending the receipt of documentation?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

<p>County Engineer</p>

President Musgrave: Department head report, County Engineer, John Stoll, is being represented by Pat Seib today. It looks like you have a number of items to cover.

Patrick Seib: Good afternoon. Patrick Seib, Assistant County Engineer. The first item I have is to recommend rejecting the bid by Gohmann Asphalt for contract number VC06-10-01. The amount of the bid exceeds the amount that we have in the budget. We can go back and look and see if there's any changes in design that

we can make to lessen that, or possibly see about going to County Council for more money.

Commissioner Nix: How much over budget is it?

Patrick Seib: I could talk about that with you privately, if you like.

Commissioner Nix: Okay.

Patrick Seib: I just am hesitant to make that public record when it comes back time to bid again.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: The second item that I have is regarding a street plan approval for Chadwick Place Subdivision. The County Engineer has reviewed the plans, the design consultant has made the requested changes, and it's recommended that the street plans be approved.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: The third item is to request the approval of the St. George Road bridge design contract with Beam Longest and Neff for the amount of \$39,200.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: The next item is to request the approval of change order number one on contract VC06-06-02, concrete street repairs. This change order is for additional rock and geo-textile due to poor subgrade conditions encountered in three of the

subdivisions, and for some additional patching that was added on during the construction. The total amount of the change order is for \$32,127.55.

Commissioner Nix: And there's money in the street repair for that? Is that the line item it comes out of?

Patrick Seib: Yes.

Commissioner Nix: So moved.

Commissioner Shetler: Will we be able to get this done during this construction season?

Patrick Seib: The work is already done.

Commissioner Shetler: It's already been done? Okay.

Patrick Seib: It's just a change order for payment.

Commissioner Shetler: Alright, thank you. Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: My last item is to request approval of a letter to be sent to Mr. Sam Sarvis up at INDOT's district office in Vincennes, informing him of the county's intent to move ahead with the design work for the Burkhardt Road and Virginia Street intersection. The design was placed on hold when INDOT was looking to make an interchange at Burkhardt and the Lloyd. But, now that INDOT has moved that project off their ten year list, and knowing that we have to spend the funds in the TIF by June of 2009, we're just informing INDOT that we plan to move ahead with that project. Also, letting them know that once it's done, any changes in the future to Burkhardt and Lloyd, we may have to come back and do additional improvements to that intersection.

President Musgrave: Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: That's all I have, unless you have any questions.

President Musgrave: When do you think that we will bid out the construction for the Virginia Street intersection?

Patrick Seib: I'm not sure when, I don't know how far along R.W. Armstrong is on that design. I want to say we should have those probably by next spring.

President Musgrave: So, construction during the summer on this as well?

Patrick Seib: That's very possible.

President Musgrave: So, next summer should see this intersection at Burkhardt and Virginia, see construction of Cross Pointe Boulevard through the farm field there and realignment a little bit perhaps on the northern part where it intersects with Morgan, Green River Road, and University Parkway, the Baseline Road bridge. You aren't going to go on vacation or anything are you?

Patrick Seib: No.

President Musgrave: Okay.

Commissioner Shetler: Oakhill and Burkhardt, or Bergdolt intersection.

President Musgrave: Oakhill and Bergdolt.

Patrick Seib: Yep, it's going to be a busy year.

President Musgrave: Plenty of road projects to do next year. Alright, thank you.

Patrick Seib: Thank you.

President Musgrave: So, we are not going to award the Kuebler Road bridge rehabilitation, which is number eight on our agenda. We will skip that.

<p>Permission to Advertise: VC-15-2006 Bituminous Paver: County Highway Department</p>
--

President Musgrave: We will ask for permission to advertise the County Highway's bituminous paver, VC-15-2006. Is anyone here to address that? Does anyone need to address that? I see Mr. Mike Duckworth coming forward.

Mike Duckworth: Good afternoon, Commissioners, Mike Duckworth, County Highway Department. I'm here to ask you to allow us to move forward with the purchase of the new paver. Many of you have heard of me going to the County Council and talking about the condition that our existing paver is in. We've crunched the numbers on how efficient and effective it is for us to continue paving. I think the overwhelming response was that we would continue that. If we're going to do so, this piece of equipment is desperately needed. This is a lease to purchase agreement. It's very specific in regards to the timetable set down, so, that we can get this piece of equipment prior to the end of the year and have it ready for next year's paving season.

President Musgrave: Is there a motion to advertise?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. I want to remind the general public that we are now placing all of our legal ads on the Commissioners webpage at vanderburghgov.org, and on the Commissioners home page. We will post those as soon as you make the documents available to us, and that's generally many days in advance of the ad being placed in the paper. It's such that somebody could pull that down off line and begin getting their own specs together.

Mike Duckworth: Well, we have those, the bid documents ready. I've been working with Debbie Spalding in Purchasing. Those will be relatively soon, within the next week.

President Musgrave: Okay.

Mike Duckworth: So, they will be advertised relatively soon.

Discussion of Speed Limits in Subdivisions

President Musgrave: One last, just short item, if I could? I had approached Commissioner Shetler in regards to several concerns from folks about speed limits in some of our subdivisions. In the near future, especially the Brookview area, we've had some complaints, and I'll be working with the County Engineer and bringing some recommendations back to you about some possible changes in that regard.

President Musgrave: Okay. Thank you.

Mike Duckworth: Thank you very much.

New Business

President Musgrave: We move now to new business. We have a couple of items that are not listed on the agenda. First, Mr. Dave Rector has an item to bring to our attention.

Dave Rector: Good afternoon, Commissioners, Dave Rector, Building Authority. I have something, real quick, if you would consider. At the new jail, I think you've all been there, the stairway at the entry is open underneath it, and we have a situation, I have some pictures here and proposed design. You have to be there to appreciate it, but during visitation period it's pretty congested, and a lot of times there's a number of children that are just running amuck in there, and they're trying to control them, but they're getting under the stairs and climbing on the stairs. And with that, we're wanting to post (Inaudible. Away from microphone.)

President Musgrave: Hang on, make sure you repeat all of that for the microphone.

Dave Rector: We have an initial bid in. I need to get a couple of more, but it looks like approximately \$10,000. Could we do it cheaper? Yes, but we would like to do it so it matches the stairwell and the spindles. So, it's as attractive as the jail is. We have about \$200,000 left in retainage, retainage/contingency, whatever we want to

call it. So, we do have money to do it, and would request permission to get that constructed.

President Musgrave: So, you're going to use bars, metal bars on it then?

Dave Rector: To match the spindles there, the ballisters and the bannister, it's ½ inch square tube stock with about an inch and a half railing. So, and we'll paint it green so it will match the one color picture you see.

President Musgrave: You won't be putting the children under there?

Dave Rector: That's up to the Sheriff.

Commissioner Nix: You could put a gate there where we could...no.

Dave Rector: I suggested that, but I don't think he thought much of it.

President Musgrave: Okay, do you need a motion to get bids, or what?

Dave Rector: I've gotten one bid, so you could just have an idea of what it was going to cost. So, we know our worst exposure is about \$10,000, and, hopefully, we'll do better than that.

President Musgrave: Are you looking for action from the Commissioners today? Or just to inform us?

Dave Rector: Permission to move ahead with the lowest bid.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Ted C. Ziemer, Jr.: Excuse me. It will be under \$25,000?

Dave Rector: Yes. We know the worst case is a little under ten. So, whatever is less than that.

President Musgrave: We have a motion and a second, all those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you.

President Musgrave: Thank you. I would like to mention that tomorrow will be the funeral for Sergeant Babb. We would like the county residents to display flags for Sergeant Babb. His funeral will be tomorrow at 10:00 at St. Boniface. We have another gentleman here today who wishes to bring some new business to the County Commission regarding animal control. Sir, if you'll come forward and state your name and address for the record.

William Rainey: My name is William Rainey. I live at 2005 Selzer Road, Evansville, Indiana. That's on the west side of Evansville. In the past three months, well, actually the last three years, we've had problems out on our road, on Outer Broadway Road, Short Selzer Road with animal control. Lots of dogs running wild. Here's what, I have a petition here, here's what it states:

"We the people of Selzer Road, Short Selzer Road and Outer Broadway ask that steps be taken to curtail the dogs that are running loose in this section of Vanderburgh County. There were two people bitten, of which one was reported to the Sheriff's Department just in the last six months. We also request that there be a maximum limit to the number of dogs that are permitted per household, due to the stench and health hazard coming from a couple of homes. One home has 20 plus dogs that are running loose or constantly barking almost 24 hours, seven days a week. We request a dog leash be required for all dogs, or keep them completely confined in a fenced area. The Sheriff's Department has been called to Selzer Road at least—

I had four times down here, but upon getting signatures for this petition, it's not four times, they have been called 11 times in the last eight months on Selzer Road alone.

"—if these restrictions could be implemented, our deputies could be freed up to attend to more important matters than running dogs down in neighborhoods. Selzer Road is a dead end street. There are a lot of people who do their morning or evening walks. It's very sad to see them walking with sticks or clubs so they can defend themselves from dogs running loose."

This happens every day. It's not just once a day, once a week, it happens every day. I've lived out there for 29 years. I can't even let my kids, my kids are grown, excuse me, I can't let my grandkids play outside. Stray dogs coming in. I've gone out there before, dogs are coming at them, they have them backed up against the fence. You run them off, turn around, they come back. You call the Sheriff's Department, according to Sergeant Mulden from the Sheriff's Department, he's in charge of animal control, he said there is a state law that says dogs should be on a leash or be in a confined area, which is inside of a fence or something. That is the only law that we have. What we're asking is that the County Commissioners come up with some kind of a law, pass some kind of an ordinance or something. We just want help. I mean, after three years of this, we're sick and tired of it. People can't walk down the street without dogs chasing out after them, getting bit, whatever. There should be something done in this county. We have 180,000 people in this county plus, and to say they have no protections from dogs running loose. With that many people in this county, there shouldn't be dogs running loose. They should be on a leash. If somebody's going to walk them, that's fine. Walk them on a leash, but don't let your dogs out to run all night long that they come in the next morning. I got a total of 61 signatures here. I went to 70 homes. Out of the 70 homes, I had 61 people sign it. I had two people refuse to sign it, because they let their dogs run loose. The remaining people were not home at the time. So, I have a petition here. I ask for your help. We ask for your help. If we need to go out and get a whole bunch more signatures, we can if we have to, but we're just asking for your help. That's all we're asking for.

Madelyn Grayson: Commissioner, may I make a quick tape change?

President Musgrave: I was just going to suggest that.

Tape Change

President Musgrave: You say these dogs are stray, and some of them are owned by someone in the neighborhood?

William Rainey: 99 percent of these dogs are owned by people in the neighborhood. A lot of people out, anymore, and it's not just in our neighborhood, because I've talked to a lot of other people, come evening time just let the dog run. If he's got something he has to get rid of, go get rid of it in my neighbor's yard, don't put it in my yard. Now, when I mow the grass, I don't have to fertilize. There's plenty of fertilizer out there already dumped, and I don't own a dog. There's plenty of fertilizer left there for everybody else. People come to me and say, "Bill, our trash cans get knocked over every night. We step out in our back yard, there's dogs there that we've never seen." 99 percent of these dogs are owned by residents in the area. That's one of the big problems. Like the one neighbor lady told me, she said, "I can have as many dogs as I want." I talked to Sergeant Mulden with the Sheriff's Department, he said, "I'm sorry, and it's sad to say, this is true. She could have a hundred dogs if she wants them, and she could let them run loose. Basically, our hands are tied. We can go out, we can talk to them, we can tell them you have to pen your dog up, pen your dog up, pen your dog up." And he said, "Basically, that's about all we can do." We have no restrictions in this county.

President Musgrave: Has anybody talked to the owners of these animals?

William Rainey: Well, let's put it this way. I talked to the Sheriff's four times in the last eight months, they have gone over there four times in the last eight months, and talked to them. Her response one time was, "Well, I guess, I'll just pay a hundred dollar fine." And that was it. The next afternoon the dogs are back in my yard. Now, the Sheriff told me, he said, the Deputy Sheriff or Sergeant told me, he says, "You can call every time there's dogs in your yard." I said, "I can call you every day." I can call you every single day." Now, I can't see tying up Deputy Sheriff's every single day going out for dog calls. You know, we've got dogs already loose. It's ridiculous. We're just asking for help. Come up with something, please.

President Musgrave: Alright, if you would like to deliver your petition, we can go ahead and take it.

William Rainey: I would love to deliver this petition.

President Musgrave: Okay. Commissioners, would you like to take this under advisement, and perhaps explore what we could do? I know, the city's exploring a new animal control ordinance, and I got about ten pages into it and realized that if my cat had kittens I was in violation of this ordinance. So, I'm not sure I want to go that far. But, maybe we could meet on some middle ground.

William Rainey: But, whatever help you can come up with, we would appreciate it. We're just, we're fed up.

President Musgrave: I can understand that.

William Rainey: We need your help. Thank you very much.

President Musgrave: Thank you, sir. Alright, I want to give this to the recording secretary.

Discussion of Proposed FOP/VCSO Contract

President Musgrave: Next on the agenda is Deputy Craig Blessinger for a discussion of the proposed FOP/VCSO contract.

Craig Blessinger: My name is Craig Blessinger, and I'm the president of the Vanderburgh County Deputy's organization. With me this afternoon are Sheriff Brad Ellsworth, Chief Deputy Eric Williams, FOP President Larry Cannon and Jennifer Keppler, our legal representative. Thank you for allowing me to address you today. 95 percent of the deputies of the Vanderburgh County Sheriff's Office have signed petitions, which you have received, expressing their desire to negotiate the terms of their employment through a collective bargaining, and further be represented by the Fraternal Order of Police in that endeavor. The preparation of this contract, excuse me, has been a joint effort between the FOP, the deputy sheriff's, the Sheriff and Chief Deputy. All the aforementioned parties fully support this document and hope you, as the Commissioners, will do the same. This contract, we believe, is a fair document that will solidify benefits the deputies have been receiving for nearly two decades. The benefit language seen in this contract is reflective of language you as the Commissioners passed in a recently signed deputy personnel ordinance. Furthermore, this contract will create consistency between the deputies, the Sheriff's administration, and county in terms of disciplinary measures and benefits distribution and will give the deputies and their families a long term sense of security. Finally, the contract will cost the taxpayers of Vanderburgh County nothing. You've each received copies of the contract and have had a chance to review it. The County Council has also received copies of the contract. I've spoken with several of them, and they plan to put forth a resolution at their next meeting supporting a collective bargaining agreement. I welcome the opportunity to entertain any questions you may have about the proposed contract, and hope my answers will assist you in your eventual passage of the document. Again, with that said, I welcome any questions that you have in regards to the contract.

Commissioner Nix: I, yeah, and you and I have met quite a few times over this.

Craig Blessinger: Yes, sir.

Commissioner Nix: It appears that it is pretty well the same on staffing of the Sheriff's Office. I believe, last year it was 105, it's 108 this year, is there a reason why there's an increase in that?

Craig Blessinger: I believe that was the wording of the document. I don't believe that in the last proposed document that we gave you, I don't know if that included the Chief and the Sheriff in that total.

Commissioner Nix: It did address that.

Craig Blessinger: Okay, so, again, those may be where the discrepancies, it may be just a matter of wording, but, I believe, Chief Williams called today and per line item we are at 108, sir.

Commissioner Nix: Okay.

Commissioner Shetler: Do you have anything else?

Commissioner Nix: Not right now.

Commissioner Shetler: Okay, I guess, the main question I have is, and perhaps I'm incorrect on this, but it seems to me a little bit unusual that you're combining, it seems like we're combining two issues here together. We're dealing with, first of all the issue if the deputies should be recognized by the FOP, or some other group? And, second, whether or not the contract is something that we should accept? And, I'm wondering if we shouldn't, I think it seems to me a little bit unusual, at least in my past negotiations that I've been involved in privately as well as publicly, it seems that we have usually dealt with those issues separately. In other words, that we first would ask the question, should the deputies be represented by the FOP, and does it meet, you know, have they met all the legal requirements? Has there been a majority? And our attorney, along with Mrs. Keppler have looked it over and have decided that, yes, we've met the majority, and then the Commissioners decide that the FOP is the proper bargaining unit to represent them. Then, I guess, the second step would be then that we get into the contract, because I see that as being the item that could bog down, to some degree, when you get into negotiating different points of it from here and there, you know, and stuff, on different pages here. So, I'm just wondering if maybe that's the approach we ought to take here, is to separate this thing into two different questions?

Craig Blessinger: I guess, I'm, are you asking, are you, maybe I'm not totally clear on what you're requesting of me. Are you concerned about the representation of the Fraternal Order of Police as our negotiating agency? Is that your question? Again, maybe I'm not totally clear on what you're asking me, sir.

Commissioner Shetler: No, I'm not concerned about it. I think that we have two different questions in front of us. I think you have a question first, if the deputies should be represented by a bargaining unit? That's one question.

Craig Blessinger: Yes, sir.

Commissioner Shetler: And the second question is, should we approve this contract, or some other contract? I think we need to separate those two questions into two different packages here so that we don't get...I think that they're to a point that I wouldn't want....if everyone feels that it's the fair and right thing to do to have the deputies represented by the FOP, for example—

Craig Blessinger: Okay.

Commissioner Shetler: —that we not bog down into some nitty gritty just because that there's a contract dispute, or a little line in the contract that we have a problem with. If we resolve that question, the big question, and then we move forward to dealing with something that may take a little bit of time to work out a contract.

Craig Blessinger: Well, as far that issue with the FOP representation, for the, I guess, two years ago we really took an effort to bring this thing forward to you guys. In that approach, from the very onset of, you know, of our putting this back together, because, again, it's been in some shape or form for the last probably 15, maybe 20 years. With that approach, the Sheriff, the Chief Deputy, everybody in the administration was along and onboard with this, and signed off on the fact that the FOP would be our negotiating agent. The Sheriff has given his full consent. He's

done so in writing twice, and the last time that we met with you, he did, he stood up here before you and expressed his consent to that agreement. This agreement doesn't affect their day-to-day operations. So, I'm hoping that part of it answers your question in terms of where we stand in the FOP representing us. Because, it's consistent across the board, it wasn't an adversarial approach with the deputies and our administration. It was two entities working together to come to an agreement before we brought it to you. So, on our end, that is not an issue. We believe the FOP is the best representative for us because of their background, their knowledge of law enforcement related issues. Also, the city has been represented by, the members of the Evansville Police Department have been represented by the Fraternal Order of Police for, I believe, and, don't quote me on this, for at least 30 years. I believe that has worked out in a, well, in a decent manner. So, again, we chose them, and we're all on board.

Commissioner Shetler: I don't disagree. I think it's the appropriate body as well.

Craig Blessinger: Okay.

Commissioner Shetler: I guess, my point is, that in the past when a petition has come before me, whether again privately or publicly, the petition has first of all come forward saying that the employees are requesting this to be represented by—

Craig Blessinger: Oh, okay.

Commissioner Shetler: —whether it be the Teamsters or whatever.

Craig Blessinger: You're talking about a petition?

Commissioner Shetler: Correct.

Craig Blessinger: Okay.

Commissioner Shetler: That is a separate issue.

Craig Blessinger: Maybe....I misunderstood you. I apologize.

Commissioner Shetler: Then you decide on that.

Craig Blessinger: Okay.

Commissioner Shetler: Then, at some point in time later, maybe the next day, a contract, then you start working out, hammering out those details.

Craig Blessinger: Okay.

Commissioner Shetler: I'm just saying to get bogged down into the big question of whether or not it should be represented or not, we ought to deal with those separately.

Craig Blessinger: Okay, and I can comment on that. It looks like our legal representative wants to add some things. As far as that, and, again, I hope I'm on the same track with you. Petition-wise, and you can concur with Commissioner Musgrave, twice we have sent out petitions amongst all the Sheriff's deputies, and each time we have, I believe the first was 90, over 90 percent, this was nearly 95

percent of all the deputies agreed that they want the Fraternal Order of Police to be their bargaining agent. So, as far the petitions, in that sense, again, everybody is on board on our end, wanting the Fraternal Order of Police to represent them. I hope that is what you were asking. I don't know if you were clear. I mentioned that in my, you know, in my initial speech here. Again, Commissioner Musgrave has received those petitions, and actually I have all those petitions back there with me, if you would like to see them for yourself, sir.

Commissioner Shetler: That's not, I'm not questioning—

Craig Blessinger: That's fine.

Commissioner Shetler: —I'm just—

Craig Blessinger: But, I wanted to let you know that we—

Commissioner Shetler: —I guess, I'm suggesting more than anything is that, you know, I don't know how you normally have handled it in a legal way, but I think there's two questions here. I think we need to address it in two different ways, but correct me if I'm wrong.

Jennifer Keppler: Well, Commissioner Shetler, I would just, Jennifer Keppler, on behalf of the deputies and also the FOP, I would just echo something of what Deputy Blessinger said, which is that the deputies have brought forward petitions showing substantial support from the deputies requesting that the FOP represent them and that they be recognized, the FOP be recognized as the bargaining agent on behalf of the deputies. That happened some time ago, and it's also happened again here. I suspect what you may be getting at is something more of a private, in the private arena where there is a formal process where individuals seek representation from a particular bargaining representative and then negotiate a contract. We're a little different here because we're a governmental entity, or because you're a governmental entity and the contract negotiation process doesn't follow the same steps as it would in the private realm. We have here a number of deputies who want to be, want to have the FOP recognized as the bargaining agent, we've made that request, and we don't see any reason why the two can't be condensed into one thing. To have the Commissioners recognize them as the bargaining agent, and then to begin the negotiations. We've got some fairly substantial support here, and, I think, what you may be driving at is a little different in the private sector than it would be here, where the county has the ability to enter into the contract.

Commissioner Shetler: I guess, I'm going back on experience a little bit. You know, with the Teamsters in the past, and, that's, you know, the way we had done it. I think they preferred it that way, simply because it is a way to get past the first question. Then to work out the nitty gritty parts of the contract, and not let that part get bogged down. But, that's up to you all. If you decide, I mean, I'm in favor. I think it's the fair thing, I think it's the right thing for you guys to be represented by the FOP. I have no question in my mind about that. I do have questions about certain parts of the contract. I would hate for that whole issue to get kind of bogged down into it, but if you prefer to keep in joined, you know, that's, I guess, perhaps, that's your call, to some degree.

President Musgrave: Do you have any other questions?

Commissioner Shetler: No.

President Musgrave: Mr. Blessinger, what about this proposed union contract benefits the general public?

Craig Blessinger: Repeat your question, Ma'am, please? I'm sorry.

President Musgrave: What about this proposed union contract benefits the general public?

Craig Blessinger: What is it, okay. What this can do for the public, and it starts from our level, what it does is solidify what we've been receiving, as deputies, as far as benefits and other things in that regard, for nearly 15 years. It gives the deputies and their families a long term sense of security. Okay? As an exponential effect, when, like any corporation, any business, your employees have a better sense of security, work generally improves, they are happy in their job. You will find low turnover, long, you know, long term security. That's what you want in your Sheriff's deputies. We've been, I feel, you know, that we have offered a good service to the community, and we will continue to do so with or without, but what I think it does for our organization and yours is to create some consistency between the two bodies. What I'm talking about is, as far as maybe disciplinary, the doling of benefits, we are consistent in our understanding of each other, where each party comes from. At times there may be, there may be some confusion in that regard. We're hoping that that will be rectified in a document such as this. Again, we are not costing, this document that we have put forth will cost the taxpayers of Vanderburgh County absolutely nothing. We feel it's a win-win situation for both sides here.

President Musgrave: Before I move on with that line of questioning, where can the public obtain a copy of this document?

Craig Blessinger: I can, it's for public knowledge. I mean, we have it, you all have been forwarded that, I have it personally. I would personally, you know, again, on advisement of my legal representative, which I don't think there would be a problem, would be happy to show it to anyone. If, nothing in there that, you know, that isn't different than what, again, what we've been receiving in the last 15 years now.

President Musgrave: So, you would have no problem if I went ahead and posted it on the Commissioners webpage for any interested party?

Craig Blessinger: No, Ma'am.

President Musgrave: Okay, we'll get that taken care of today. But, you said it does a couple of things for the deputies, and, I guess, it's a side effect to the public, that it solidifies what you've been receiving all of these years. I thought we had taken care of that with the county ordinance last year—

Craig Blessinger: Okay, I can comment on that as well, Ma'am.

President Musgrave: —and that it gives you a better sense of security. I'm just going to pick out a couple of the things that this document does. Things that I think we would all like to have. Article 19 on page 47 gives you guaranteed health insurance at the level that you are currently receiving, it also gives you guaranteed life insurance at a greater level than you're receiving now. It goes up to \$25,000 from the current \$15,000. It allows the numbers of deputies to have a floor, we can never go below that, so, it's job security. No one can be laid off, unless the County Council declares a fiscal emergency. It's binding, even in the event of a consolidation, a

merger, an acquisition of greater territory by the city. So, we would always have the same number of Sheriff's deputies, and there would be no merging, apparently, of the city police force and the Sheriff's department. So, these are pretty substantial security levels for the deputies. That's why my question was, what exactly does the public get out of this contract?

Craig Blessinger: And, I believe I've touched on that. Again, you know, without becoming too contentious here, one of the, you referred to the ordinance earlier. Well, the reason that we had to get to that ordinance was because when we first proposed this, Ma'am, I called you and gave you a copy of the contract, and within a month, you know, we had, you know, a letter was sent to you, to your attorney, and then furtherance of that we had benefits taken away from us that we had enjoyed and had used as promotional tools to get the best qualified candidates. Those were removed, and we had to fight to get those back. I'm not saying that I'm not appreciative of the fact that you, you know, you were able to give us those benefits back in terms of an ordinance, but to prevent something like that from happening again, again, I believe, and we believe as the FOP and our administration, that a contract would prevent something like that from happening. Again, an ordinance can be changed. You know, it's as good as the paper that it's signed on. That doesn't negate the fact that we don't appreciate what you did for us, but, again, an ordinance is an ordinance, and it's different than a contract. We believe a contract, long term, for both parties would benefit, you know, benefit each. So, with that, you know, I believe, I believe it's important for the deputies and their families to have that sense of security, in the hopes that that wouldn't happen again. But, again, we do appreciate the fact that you were willing to work with us on that, and to bring those benefits back to us.

Commissioner Nix: You may or may not know this, is there a high turnover rate out there right now? I mean, do you have a problem keeping people on board?

Craig Blessinger: Generally, no, sir. Not like you would probably see in the public sector. We feel like we have a good agency, we do have a lot to offer, and we have a lot of good people working for us. People generally come into this, you know, it's a career, career job, in most cases.

Commissioner Nix: One other thing, I'm just curious, you may not know this either, but is there a pretty good size waiting list for people to get on the department, that you know of? Or is, I mean, is it pretty substantial?

Craig Blessinger: It generally is. As far as numbers I don't want to state any numbers, because I don't know personally, sir. So, I, you know, I can't quote any different numbers, so, I can't quote any different numbers, but we never have a lack of people wanting to get on to the Sheriff's office. Again, I think we have a good agency, and I hope we have a good reputation within the , you know, the community with the service that we provide.

President Musgrave: I understand that the Sheriff's deputies used to be hired based on a merit system, and that merit system has been set aside, is that accurate?

Craig Blessinger: I wouldn't say that that's necessarily true. Again, that is, that is something that I would probably have to defer to Chief Williams, because I'm not intimately involved with the hiring process. I know it's a pool type, but, again, they're allowed to choose the best, you know, the best candidates out of that pool. As far as specifics on that, Ma'am, again, I'm not that well versed in it that I would like to

make a public comment on it again. That's something that I would like to reserve for, you know, the Chief, or the Chief or the Sheriff, you know, again that are intimately involved in that process.

President Musgrave: Are the candidates that you're recruiting lacking education? I noticed that we are giving paid college credit, a great deal of time off can be granted under the documents that you gave to me. Are we not attracting college educated people to the force already?

Craig Blessinger: I think it's a mix. It's a mix of both. Either those with job experience, and those with college. I think, excuse me, that the administration looks to that, you know, whatever people have their strength in, whether it is, whether it be a military background, or if they have education level, you know, past high school. Again, they weigh those. Again, I'm not intimately involved, because I haven't been a part of the hiring process. So, I don't want to go too far into that, because, you know, I don't want to state something, or misstate something.

President Musgrave: I noticed that there were several provisions in here that take away employer rights, and I was wondering why the deputies feel that they should never be subjected to a lie detector test, when employees, companies all across this fine county find themselves in such a position?

Craig Blessinger: Again, I don't claim to be a lawyer, but I can state that the validity of those as far, in the legal sense, have not been upheld, consistently. You know, as far as litigation or what have you, in the legal sense, those have not held up traditionally, you know, in cases. So, that's just a basic reason why that has been put in there.

President Musgrave: I noticed that you're seeking for separate attorneys for the deputies that, instead of just being represented by the County Attorney you're saying that in a matter where a deputy is being sued or the department is being sued, that the county would have to pay for a second attorney just for the deputy, why is that?

Craig Blessinger: I would have to look at the specifics on that, Ma'am, because I want to go into the document itself and read that myself.

President Musgrave: Alright, you can find that there, also on page 20 you're obligating the county to pay for legal actions arising out of off-duty work by deputies for private employers who fail to pay, apparently, judgements and other things.

Craig Blessinger: Yes, we are—

President Musgrave: Why should the county pay for off-duty work where a deputy is, gets a judgement against them?

Craig Blessinger: Well, they're not paying for the off-duty work itself, we're paying for, we would ask that the county support us if we were hurt carrying out our law enforcement duties. Again, that's something that you have already passed in an indemnification ordinance to support us in that endeavor. So, that's already been passed by you.

President Musgrave: On page 43 there's a long, long discussion of timekeeping, and it seems to be so administrative in it's level. The sort of thing that a good boss and good employers work out, and puzzling to me why you would feel the need to have

such timekeeping references put in a document, a contract with the Commissioners. Are things so out of control at the Sheriff's office that these timekeeping things need to be part of the Commissioners contract?

Craig Blessinger: I wouldn't say they're out of control at all. But, again, just like I referred to earlier, if you don't have it in writing, someone can come along with a stroke of a pen and negate it all, whether we've had it for 15 years, whether we've used it as a recruiting tool, and we want to prevent that. That's why those type of issues are in there.

President Musgrave: Why if a Sheriff's deputy has been accused of something, why are the investigators not allowed to talk to the family members of that deputy until after the deputy himself or herself has spoken to them?

Craig Blessinger: It depends on the, I guess, the investigation that's going on, but we feel that, you know, we feel that the deputies should be able to speak with their family and not, you know, not have, I'm trying to come up with the best language for that, we would like to confer with our family members if there is some type of investigation, because we don't, we don't want them to be influenced, you know, either way by, you know, by an investigator, if there was ever such an investigation, you know, that would involve, involve the family. Now, I can't state, again, I'm going to have to, I would probably have to defer to our legal representative on that, but, you know, we feel that's, you know, that's just to allow us to, you know, to speak and confer with our family.

President Musgrave: This document contains something called a bill of rights, and I understand that the City Police have a bill of rights as well?

Craig Blessinger: That's correct, Ma'am.

President Musgrave: Is this document identical to the city's document?

Craig Blessinger: Yes.

President Musgrave: I think I would like to see a copy of the city's document.

Craig Blessinger: Okay, and there may be, we copied ours, for the most part, in that individual section from the city's contract, because we wanted to try to keep those as consistent as possible. But, there may be some slight language changed, just by virtue of the different agencies, but for the most part those are identical documents.

President Musgrave: I think, as you can see, I have a number of questions, and I haven't asked all of them.

Craig Blessinger: Yes, Ma'am.

President Musgrave: And that, for the most part, I think you've gone way over the top in asking for things to be set in stone, and the guaranteed life insurance and health insurance is pretty much at the top of that pyramid. So, I'm going to leave my questions at that point.

Craig Blessinger: Okay, well, I would have to respectfully disagree, you know, with that, because, again, you know, we come into this, you know, knowing that we have received these for years, and don't think that we are asking for anything that is, you

know, outrageous or anything. Just, we want consistency, and we would like to solidify that with, you know, with a contract.

Commissioner Shetler: I guess, I'll make one more plea for this separating the issues. It seems to me, and as you can tell, there's a number of different questions that need to be addressed.

Craig Blessinger: Yes, sir.

Commissioner Shetler: But, I think there is probably perhaps, the way I see it, is that we address the big question of whether or not we're going to accept the recognition by the FOP, which I'm in favor of, which I believe is a fair thing and the right thing to do for the deputies. To be left out in being the only group of employees out there that are not represented, I think shows that we definitely need to do something along those lines. That's my own personal opinion, as one Commissioner.

Craig Blessinger: I was going to ask the same question before I left today, sir.

Commissioner Shetler: But, we separate that question, and if it would pass—

Craig Blessinger: Yes, sir.

Commissioner Shetler: —then the next step would be to negotiate the contract. Now, I would envision that contract being negotiated then by a committee, I love committees, that would have representation of County Council, because they are going to have to pay the bill, County Commissioners, the County Auditor, and the Sheriff, and perhaps another couple of people involved in that as well. That way you can work out those questions and things that all of us have. I think that way we could get to the bottom of it much quicker, rather than, as we are now, trying to combine both of it. Because, I think the big hurdle here, something that, I think it's been 45 years since the FOP was first recognized in the City Police, at least, because I know 30 however long ago it was I was on City Council, it was '75 when I was first elected, the FOP was there then, and I think well before that. So, that's, so, it's been a long time ago that they've been represented. I think it's overdue for you guys. I would like to get that hurdle cleared.

Craig Blessinger: Sure.

Commissioner Shetler: Then I would like to have the committee set up where there are people here that can answer the financial questions, people who are involved. I don't totally feel comfortable obligating the County Council, I know that there's no, at the moment there doesn't appear to be any financial cost to the county, but there may be in a year or two, and I would hate to obligate them in a situation with them not being directly involved in it. I know that there's anticipation tomorrow where they're going to pass a resolution asking us to consider it.

Craig Blessinger: Sure.

Commissioner Shetler: And I understand that, but I think they're just addressing that question, and that is they should be represented by the FOP. They're not addressing the question of the entirety, pass the contract, which is a different issue. So, that's what, I go back to that, I think, splitting this issue into the two questions that lies before us is a better way of handling it, so.

Craig Blessinger: Okay, and you touched on a subject, and I'm going to close on this, I would ask that you take into consideration that we are one of the few county agencies that are acting without representation. Everyone else within our own agency is representative, or represented. Then you have the County Garage and different entities within the county government that are represented. So, we ask that you would take that into consideration as well, as you consider this. In closing, I guess, I would maybe like to get a response from you to see whether you will in fact take a vote on this in the future, or sit down with us and work out the terms of this in the eventual hopes of a vote. So, with that, I'm hoping that I can get a public response from you in that regard.

President Musgrave: We'll just have to see.

Commissioner Shetler: I'm certainly willing to talk and bring it up. I have no problem with that. I think it's the fair and the right thing to do. I've stated that many times. I've not wavered in that position.

Craig Blessinger: That would be a yes, sir?

Commissioner Shetler: That's right.

Craig Blessinger: That you would be willing to....Commissioner Nix?

Commissioner Nix: I would be willing to talk too, but I cannot make any commitments at this time, because I, along with Commissioner Musgrave, a lot of the things that she's asked, you know, we've talked about in the last couple of years—

Craig Blessinger: Sure.

Commissioner Nix: —and I'm just not 100 percent convinced this is the right thing to do.

Craig Blessinger: Okay, that's all I can ask of you. I appreciate, really appreciate your time, and on behalf of the FOP and the deputies of the Vanderburgh County Sheriff's Office and their families, I say thank you for allowing us to come in front of you today.

Commissioner Nix: Appreciate you working this. Thank you.

Craig Blessinger: Thank you.

President Musgrave: Commissioners, as I was reading this, I did find one section that I thought should apply to all county employees, and that's found on page 47, it's titled, "Line of Duty Deaths". While it's less likely that an employee in this building might find themselves in a line of duty death, I think that providing assistance to the immediate survivors of the family who dies in the line of duty, clarification in the comprehensive study of survivor benefits, as well as tangible and intangible emotional support for the family—

Craig Blessinger: Yes, Ma'am.

President Musgrave: —I think all of those things should be offered to every county employee. So, I'm interested in pursuing that as a change to the, at least that, to our whole handbook.

Craig Blessinger: Thank you.

Commissioner Nix: Thank you.

President Musgrave: Thank you. Commissioners, I think that the only thing left on our agenda was the consent agenda. Is there a motion to approve the consent...I'm sorry.

Public Comment

President Musgrave: Thank you, there's public comment as well. Yes, if you have an item to bring that the Commissioners have authority over.

Brad Ellsworth: Thank you, Commissioner, I was glad I was in attendance. I hope I can clear up what I heard about the question on the merit system of the Sheriff's Department, the lack of, or the furtherance of that. Do you want to say again what, it's your understanding that we don't have a merit system anymore, is that correct? That's, I watched "Shively and Shoulders" last week too, or whenever that was.

President Musgrave: I didn't watch it.

Brad Ellsworth: Okay, well, then somebody's putting out there, and since it's the political season, I think I know who that is. I, as the Sheriff, I'm Brad Ellsworth, I'm the Sheriff of Vanderburgh County, and by state law the merit board system is in place, and is being adhered to by the Sheriff's Department. A couple of years ago, as we always try to professionalize the Sheriff's office, I sent two officers, Lieutenant Strange and Sergeant Sam Preston to the IPTM in Florida. It's a training, personnel and training organization that looks at ways to professionalize the department. They came back to me and said they had been proposed a method of hiring and retaining deputies and police officers, and we looked at that system. Basically, it was creating, as opposed to a chronological list, it was a pool system that saved costs for the department, it saved the deputies a lot of time and trouble, it saved potential employees a lot of heartache in their future. I could explain that if you care to hear it. But, essentially, what happened, we proposed this to our merit board, and, I think you know this, the merit board is prescribed by law, I get three appointments, one, two Democrats, one Republican, because of my party affiliation, and the deputies elect two, on their own, independently, one of each respective political party. Sherriann Standley is one of my appointments, Tim Cleary is an attorney, is one of my appointments, Mark Owen is one of my appointments. The deputies appointments are Mike Duckworth, retired deputy, and Bill Roberts, retired deputy. This system, merit system, was proposed to the merit board, and they unanimously passed that as our new hiring practice. We've had it in place now two times, and we think it's working quite well. Like I said, I don't know how much explanation you want on how that saves the county time and money and benefits the county, but it does, and how that benefits the prospective employees, and even in the future, if they aren't so lucky to be chosen by us, that it doesn't hamper them from future law enforcement employment with other agencies. So, I would beg to differ with whoever you heard that from, that the merit system is alive and well. It's been improved. It's in place, and I'm very proud of this system. We've hired very good deputies under that, and we'll continue that system. You can rest assured that the merit system is in place, by law, and is being adhered to by, and it was passed by our merit board. They are the hiring and firing group of our agency and they will continue to be so. I'll answer any questions, if you'd like.

President Musgrave: I'm so glad you came to the microphone. I've sent several e-mails, and I've received no response to this question, what are you doing at the jail, what is the Sheriff doing to collect inmates, from inmates own health insurance when they are needing medical care under, when they're incarcerated?

Brad Ellsworth: We, I've never received that e-mail.

President Musgrave: I've sent four of them, I believe, to your deputy.

Brad Ellsworth: Okay, well, I've never received one. It is has been extremely hard. If they do have insurance, we try to collect that and get that on their own pre-existing employment, but the effort there has not proven, you can put more dollars into the attempt to collect that, than what you would ever receive. But, if they do prove that it's a pre-existing condition, and they do have health insurance, our nursing staff does try to collect that. It's not very lucrative, I can tell you. We do have a medical co-pay that goes with that, it's not expensive, when they want to see the doctor. So, that they're not just coming in and wasting the doctor's time. I believe it's ten dollars per visit, and then there's a fee per prescription. But, collecting that's difficult. We've done that and looked at doing that ever since, I believe, Sheriff Shepard was in office, two Sheriff's ago. It's not a high rate of return for us. We try and it's just not been very beneficial to us, but we make efforts.

President Musgrave: (Inaudible. Microphone not on.)

Brad Ellsworth: Surely.

(Tape Change)

President Musgrave: Commissioners, do you have any further questions?

Commissioner Nix: Appreciate you coming today?

Brad Ellsworth: Anything on the merit system?

President Musgrave: Not now.

Brad Ellsworth: Okay, I would be glad to answer any time.

Commissioner Nix: Thank you.

President Musgrave: Okay. Any further comments from members of the public?

Consent Items

President Musgrave: Is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:56 p.m.)

CONSENT ITEMS:

Employment Changes:

Superior Court (1)	Union Assessor (1)	Sheriff's Office (5)
Center Assessor (1)	Co-Op Extension (1)	VCCC (1)
County Assessor (1)	Knight Assessor (1)	

Travel Requests:

Health Department (1)	County Engineer (1)	Voter Registration (1)
-----------------------	---------------------	------------------------

Surplus Requests:

County Clerk (1)	Coroner (1)
------------------	-------------

Commissioners:

Evansville ARC Monthly Report: September 2006.
Bill Harty Letter: Paving of Hogue-Vaness Intersection.
Planetary Planners Letter.
Department Head Meeting Notes: October 17, 2006.

Treasurer:

Year-to-Date Investments.
Monthly Report: September 2006.

Weights and Measures: Monthly Report: 9/15-10/15/2006.

Auditor:

Financial Statement: October 2006.
Drawdown No. 5: Knight Township CDBG Grant Funds.

Purchasing: Monthly Report: September 2006.

County Clerk Monthly Report: August 2006.

County Engineer: Pay Request No. 7: Green River TIF Projects.

Burdette Park: Blue Claims: Various Projects.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Steve Craig	Z. Tuley
Greg Grabner	Jay Harris	Tony Flittner
Patrick Seib	Mike Duckworth	Dave Rector
William Rainey	Craig Blessinger	Jennifer Keppler
Brad Ellsworth	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 14, 2006**

The Vanderburgh County Board of Commissioners met in session this 14th day of November, 2006 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 November 14, 2006 meeting of the Board of Commissioners of Vanderburgh County. It is approximately 3:30. We will start with introductions on my right.

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

Commissioner Nix: Bill Nix, County Commissioner.

Maria Nelson: Maria Nelson, Mater Dei High School.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Would you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Curt Wortman Proclamation

President Musgrave: I would like to start this afternoon with a proclamation for Curt Wortman, a long term member of County Council who recently died. Commissioner Shetler will read the proclamation.

Commissioner Shetler: Thank you.

“Whereas, Curt Wortman served seven consecutive terms as Vanderburgh County Councilman, an event unprecedented in recent history; and, Whereas, Curt Wortman gave nearly three decades of his life to serving the citizens of Vanderburgh County by providing leadership in government; and, Whereas, Curt Wortman represented his constituents and the taxpayers of Vanderburgh County well and to the best of his ability; and, Whereas, Curt Wortman contributed to the nation through his service in the U.S. Air Force, and the community through his involvement in many organizations; and, Whereas, Curt Wortman passed away on Saturday, October 28, 2006, Therefore, in honor of this dedicated public servant, Wednesday, November 1, 2006 is herewith proclaimed as Curt Wortman Day in Vanderburgh County, Indiana. Executed this 14th day of November, 2006 by the Board of Commissioners of Vanderburgh County.”

President Musgrave: This proclamation was also read out at the Council meeting on November 1st, where we celebrated the life and the public service of Curt Wortman. Is there a motion to adopt the proclamation?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Approval of the October 24, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of October 24th?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Recognition of Commissioner-Elect Troy Tornatta

President Musgrave: Before we get started with the business today, I would like to recognize Councilman Troy Tornatta, who is Commissioner-elect, and who is here in the audience today. We would like to welcome you, Councilman Tornatta.

Permission to Open Bids/Quotes: VC-15-2006: Bituminous Paver for County Highway VC06-10-02: Koressel Road Bridge #1140 Repair VC06-10-03: Baseline Road Culvert #130 Replacement Title Search Bids

President Musgrave: We have several bids and quotes on the agenda today; VC-15-2006 for the bituminous paver, VC06-10-02 for the Koressel Road Bridge number1140 repair, VC10-03 Baseline Road culvert number 130, a replacement. We will not be opening any title search bids that we advertised for, because none were received. Is there a motion to open all of those bids?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. I would like to point out that the title search bid is still listed on the County Commissioners website at Vanderburghgov.org. We will still want to pursue work for these title searches, and if anyone would like to make a proposal to us, please do so and respond to the office.

Resolution CO.R-11-06-023: I-69 Resolution (Major Moves)

President Musgrave: Action items, we have CO.R-11-06-023, an I-69 resolution. Commissioner Nix has that.

Commissioner Nix: Yes. This is county resolution 11-06-023, a resolution reaffirming formal declaration of support for the Major Moves initiative to create I-69.

“Whereas, in January of 2006 the Board of Commissioners of Vanderburgh County, Indiana, “the board”, voted it’s approval of the efforts made by Governor Mitchell E. Daniels, Jr. to bring the I-69 project to completion; and, Whereas, at the time the board expressed it’s desire that I-69 be built as a freeway; Therefore, be it resolved by the Board of Commissioners of Vanderburgh County, Indiana as follows: Section One: The board reaffirms its opinion that the construction of I-69 will serve the citizens of Vanderburgh County and of Indiana by providing a new link for commerce and industry between the United States, Canada and Mexico. Section Two: the board expresses its support for the plan proposed by Governor Daniels that would build both I-69 in the Indiana Commerce Corridor, and urges the General Assembly to work quickly to realize this vision. Section Three: this resolution shall be in full force and effect upon its adoption by the board. Section Four: this resolution shall be included within the records of the board, shall be circulated to the state legislators who serve Vanderburgh County and other counties that would be affected by I-69, and shall be submitted to the office of Governor Daniels.”

This is passed and adopted on the 14th day of November, 2006 by the Board of Commissioners of Vanderburgh County. I will make a motion that we approve this.

President Musgrave: We have a motion. Is there a second?

Commissioner Shetler: Second.

President Musgrave: Is there any discussion? I feel that supporting a free I-69 between here and Bloomington, which was looked for to be tolled, is a very positive step for Southwestern Indiana. I’m excited and impressed that the Governor has come up with a way to take those tolls off and build a needed connector that would broaden opportunities for development in the middle of our state. I’m very excited about this. I would like to thank the Governor for his creative, innovative action, and to encourage our state legislators to get behind this effort. Get behind any effort that gets I-69 built, built soon, started in Evansville, working toward Indianapolis. We need this right now. Is there any other discussion? All those in favor?

Commissioner Shetler: Aye.

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Leadership Enhancement Program Evaluation
--

President Musgrave: I would like to call forward Dr. Nancy Kovanic, for the leadership enhancement program evaluation. Nancy is here to give us a brief overview of the leadership program that she and Dorie LoBue recently put on for the elected officials of Vanderburgh County. Welcome.

Nancy Kovanic: Hi, I'm Dr. Nancy Kovanic, and Dorie LoBue will represent us today. Thank you.

Dorie LoBue: Hi. Thank you for letting us address you today. I'm the chair of Southwest Indiana Development Council for the current year. This SWIDC, as we are called, is an organization made up of volunteers representing 14 counties in Southwest Indiana. The membership consists of economic developers from those representing counties. It's a completely volunteer organization. I have a full time job besides that. Our purpose of SWIDC is for networking among economic developers in the Southwest Indiana region, and also to market this area to outside businesses to move here. That is our main purpose. We are not a "go to" organization that takes prospects and that sort of thing. We have a website that does a lot of advertising that represents industrial sites around the area, but those sites, the contact person is the economic developer in each region. So, I just want to clarify what our purpose is, what the quad counties purpose with that going on. SWIDC received a grant in 2005 from the Indiana, I'm getting it wrong, because they changed names, or it's changed names, the Office of Community and Rural Affairs. The grant was for \$90,000. It was for leadership initiative. We chose to use that money to encourage elected officials to get involved and to be good leaders in community development and economic development. The grant, we hired Nancy Kovanic with Isaac Paul and Associates to help us develop a curriculum. We wanted a brand new curriculum. We didn't want somebody who knew a lot, or was very involved in economic development, because we didn't want something that had been done before. So, we hired Nancy. She met with, very involved with the SWIDC executive committee for several months. Met with county representatives in each of the counties. Then developed a program to roll out to each of the counties. Basically, what this program consisted of was, it was aimed at elected officials on why they need to be involved in economic development, and a basic overview of what economic development is. There was also a separate module on leadership and how to be a good leader. Really, most of the counties chose to either offer strictly economic development, or a program with economic development and a little bit of leadership. Is that correct?

Nancy Kovanic: Yes.

Dorie LoBue: So far, as of this date, we have offered nine of these programs in the counties in Southwestern Indiana. We have one more that will be offered at the end of the month. The grant was supposed to expire the end of September. We got permission to continue that through January, or actually through the end of December, since it had been so successful and been so well received in all of the counties. We have a copy for the Commissioners on what took place, but before I tell you about that, I would personally like to thank Cheryl Musgrave for helping us

offer this in Vanderburgh County. If it had not been for the Commissioners office, this program would not have taken place in Vanderburgh County. The challenge here was that, the way we chose, the way SWIDC chose to do this is we really let the economic developer, the lead economic developer in each county be the shining star and be the host of this program. The challenge with Vanderburgh County is we're part of this quad county, we went to the quad county economic development coalition, they didn't feel like it was right for them to offer a program for one specific county. So, we went back to Cheryl, since Cheryl had been very progressive in offering a basic course in economic development. We had asked her if this would compliment what she was already doing, and she agreed to let us host this through her office. So, or through the Commissioners office. So, thank you very much for you and your staff, very, very helpful. It was obviously very successful. Based on the evaluations, on a scale of one to ten, the lowest score was 7.4, I believe. No, 7.6, and the highest score was 8.4. So, it was right on target. I'll go over those, you can go ahead and hand these out to each of them there. This binder contains the program that was offered, a list of attendees, a compiled evaluation, and a section on the recommendations that came out of this. This is really what we're here for today, is to hand these recommendations off to you, and invite you to take this to the next step. Now, we are also giving a copy of this to the Chamber of Commerce. I'll be meeting with them, Matt Meadors and the vice chair, Evan Beck, next week to see if they would like to also, you know, take this to the next step, or use these recommendations. There was no cost to the Commissioners, Vanderburgh County, or to anyone else. SWIDC grant paid for all of it. I just wanted to reiterate that. As far as the recommendations go, 100 percent of the participants that were there, and one thing that I would like to compliment Vanderburgh County, most of the, when we offered this, the attendance ranged from, oh, 23 to 40 individuals. At every program there was three to six elected officials, except in Vanderburgh County. All but three of them were elected officials. So, I really want to compliment you on your attendance, both the Commissioners and the other elected officials in Vanderburgh County. That was the highest attendance of elected officials we had anywhere. The results of the evaluations indicated that attendees were encouraged to become more involved in community economic development. 100 percent of the participants were interested in attending other programs on economic development, and they have listed there for you some ideas, whether that is carried forward through the County Commissioners or probably through the Chamber's economic development efforts. I know they have a separate department just for that. Also, 94 of the respondents were interested in additional programs on community leadership. So, here's a perfect opportunity for us to offer, or us as a county to offer more programs to educate business leaders and elected officials on why they need to be more involved. Is there anything else that you would suggest that we hit the highlights of, Nancy?

Nancy Kovanic: The regional programming.

Dorie LoBue: Oh, thank you. The next step from this is, see, that's why we hired her, to keep me straight. The next step for this is, we have been approved by the Indiana Office of Community Rural Affairs to do a next step. The step two will consist of regional meetings, probably a total of three, which for this area will include Gibson County, Vanderburgh County, Warrick County, and is there one more?

Nancy Kovanic: Posey.

Dorie LoBue: Is it Posey? But, the program wasn't offered in Posey, because, again, the challenge of not having an economic developer there. At this regional meeting,

they'll be talking about the outcomes that came out of each of these county meetings, and the best practices from that. Also, next steps on how we can move as a region towards economic development. My experience here at being a transplant from Texas, I have always been impressed with this part of Indiana that hasn't drawn lines around counties. They do work very well across city-county and even state lines. So, I don't think that's going to be a big challenge for this area. Anything else? Okay. Are there any questions from this grant or what came out of it, or what we do next?

President Musgrave: Well, it doesn't look like there are any, but thank you. I think your program was very well received. We appreciated the opportunity to be part of what you developed, and to encourage everyone to get on board with economic development, because it's what we need to bring more jobs and more of everything to our area.

Dorie LoBue: Well, thank you. Thank you all, and thank you, Commissioner Musgrave.

Nancy Kovanic: Thank you.

Madelyn Grayson: Dorie, do you have an additional brochure that I could keep for the permanent record?

Dorie LoBue: Oh, okay, sure, you can have this one. We'll just make another one. If you do find other questions that you have later on, feel free to contact me.

President Musgrave: Alright, thank you, Dorie.

Dorie LoBue: Thank you.

Reading of Bids: VC-15-2006: Bituminous Paver
--

President Musgrave: Ted, I hear you still opening things there. Do you have the paver ready?

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

President Musgrave: Okay.

Ted C. Ziemer, Jr.: The bids for the bituminous paver, Brandeis Machinery and Supply Company, \$229,061, plus, no, including a lease of \$36,000 for four months for the initial use of the equipment.

Commissioner Nix: Excuse me, before you, that \$229,061 is, the \$36,000 is included in that \$229,000?

Ted C. Ziemer, Jr.: You know, let me look again. I'm not positive. Just a second. Brandeis...I'm not sure. Mike, could you come up here, please? I don't know how they were supposed to bid.

Commissioner Nix: Well, I just want to make sure that they're clear on that before—

Mike Duckworth: It was to be included.

Commissioner Nix: Okay.

Mike Duckworth: So—

Ted C. Ziemer, Jr.: Let me just look here. Yes, no, let me see. The total bid is \$229,061, and they bid \$9,000 per month for the four month lease. It does not specifically say whether that is included in the \$229,061 or not.

Mike Duckworth: But, for total bid does it say \$229,061?

Ted C. Ziemer, Jr.: Total bid cost is \$229,061.

Mike Duckworth: Before you go any further, and announce any of the other bids, there may be someone from Brandeis here that could actually state whether that's included or not before you ask the others. Do you think it would be appropriate to ask that question?

Ted C. Ziemer, Jr.: Well, it would more appropriate if I could tell from looking at the bid.

Commissioner Shetler: Are you saying the language in the bid clearly stated that it's supposed to be included in that total price?

Mike Duckworth: It was, what percentage, it was to be included and what percentage of that lease would go toward the purchase.

Debbie Spalding: On the bid sheet that you're looking at, it says summarize bid items and provide a total bid cost. So, where it says bid item, total cost of paver, there should be a price.

Ted C. Ziemer, Jr.: There is.

Debbie Spalding: Then the cost of the initial four month lease?

Ted C. Ziemer, Jr.: There is.

Debbie Spalding: Then the cost of the performance bond, but, then if you add those down, that should be the total bid cost.

Ted C. Ziemer, Jr.: Okay.

Debbie Spalding: So, if you add those two together, does it equal the total bid cost?

Ted C. Ziemer, Jr.: It comes out to \$229,061.

Mike Duckworth: Okay, I think that's what we need.

Commissioner Nix: I just want to make sure that we're clear on this.

Ted C. Ziemer, Jr.: So, I'm reading the bid and we'll read the others as though they include the lease payment. The total bid is \$229,061, and that includes \$36,000 for \$9,000 per month for a four month lease of the equipment. Okay, then Construction Machinery Company is \$234,923.33, and that's for, includes \$40,000 for four months lease of the equipment at \$10,000 per month. The final bid is Whayne Supply

Company for \$254,996, which includes \$40,000 for four months lease of the equipment at \$10,000 per month.

Mike Duckworth: If I may ask the Commissioners permission to take that to the next room to review it? Because I would like to come back and ask that it be awarded, if possible, at the end of this meeting.

President Musgrave: Is there a motion to take the bids under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second, just let me ask one question. The other question I had was whether or not that equipment is ready now, or if there's a delivery time?

Mike Duckworth: There's a delivery date of December 15th, I believe.

Commissioner Shetler: Okay.

Mike Duckworth: And that's why I want to award it at this time to give them a maximum amount of time to get the piece of equipment here and ready.

Commissioner Shetler: Alright, thanks.

President Musgrave: I have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: We'll expect to hear back from you by the end of the meeting.

Mike Duckworth: If I may approach to get the bids?

President Musgrave: Yes, go ahead and get those. Mr. Ziemer, do you want us to come back to you for the other bids?

Ted C. Ziemer, Jr.: I do, because I'm not prepared.

Auditor's Office: Xerox Lease
Health Department: Liebert Renewal Service Proposal 2007
County Clerk: Image Office Solutions Contract
Welborn Health Plans Contract: 2006

President Musgrave: Under contracts, leases and agreements, there are several here that have already been reviewed by the County Attorney, and those are the Xerox lease for the copy machine in the Auditor's office, the Health Department's Liebert renewal service proposal for 2007, that's battery back up power for their refrigerators in their lab, the County Clerk, Image Office Solutions contract (Inaudible) for the Clerk's (Inaudible) software, Welborn Health Plans contract is also here.

Madelyn Grayson: Cheryl, your microphone is not on. You might have to pull it towards you. There you go.

President Musgrave: These things are so fickle. Okay, no substantive changes. If there's a motion to approve all of those contracts please.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p>County Highway: Right of Entry Permit and Waiver of Liability for Indiana Southwestern Railway Company</p>
--

President Musgrave: We have the County Highway asking for a right-of-entry permit and waiver of liability for Indiana Southwestern Railway Company. I understand that this right-of-entry permit has been reviewed by the County Attorney. If there are any questions we can ask Mr. Duckworth to step back in. Are there any questions on this? Is there a motion?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p>Permission to Advertise: VC-01-2007: Tax Bills</p>
--

President Musgrave: We need permission to advertise for the County Treasurer. It says a representative of Purchasing is here for any questions, but this is for VC-01-2007 for the printing of tax bills. It's routine, done every year. Is there any questions? Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: We are down to the Bohannon Subdivision Barrett Law and department head reports. Mr. Stoll, would you like to come forward and do your department head report?

John Stoll: The first item that I have is a notice of intent letter for the Bohannon Estates Barrett Law project. This is the paperwork that has to be filed with IDEM for discharging storm water associated with the project, and it needs the Commissioners signatures. So, I would request your approval of that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Second, I have a street acceptance request for Section One of Creekside Meadows Subdivision. This is for 834 feet of Burlingame Drive, 995 feet of Prairie Drive, 944 feet of Aberdeen Court, and 470 feet of Double Tree Court. I would request that those 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: Next, I have a sidewalk waiver request for Stonegate Subdivision. This is a subdivision located on the west side of Browning Road, adjacent to Schlensker Ditch. The subdivision basically terminates into two cul-de-sacs, there are no other sidewalks out there, and I would request approval of the sidewalk waiver.

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 that I have is a right-of-way engineering agreement for the Oak Hill Road-Bergdolt Road intersection project. The agreement is with Level Five

Engineering. The amount of the agreement is for \$29,180. I've had the County Attorney review the agreement, and he found it to be acceptable. So, I would request approval of that agreement.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: That's all you have. Are you sure you don't have anything more just to talk about while we—

John Stoll: Some filler?

President Musgrave: Yeah.

John Stoll: Not today.

Commissioner Nix: Like the definition of a Barrett Law or something?

John Stoll: I don't want to be accused of practicing law without a license.

Ted C. Ziemer, Jr.: I don't want to have to accuse you of it either.

President Musgrave: Is there any other department head here with a report? No?

Consent Items

President Musgrave: We could go ahead and consider the consent agenda. There is a number of items on there, standard reports and so forth, letters.

Commissioner Nix: I would like to add one item to that, it's pay requisition number 83 for the new jail, which is coming up to be a year old now. But, this is actually some retention monies and also monies for a payment on the maintenance facility that we constructed in the back. We're going to be seeing some more of this over the next few weeks or so.

President Musgrave: So, your motion is to approve the consent agenda as amended?

Commissioner Nix: As amended, and that total amount is \$154,646.73.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Well–

Madelyn Grayson: Commissioner, there was a lease agreement that the County Highway had asked to be approved today.

President Musgrave: And he wanted to bring that up under his report–

Madelyn Grayson: Okay.

President Musgrave: –Mr. Duckworth did. I thought we might wait for him to return to the room. So–

Ted C. Ziemer, Jr.: I'll be ready in about a minute.

President Musgrave: Okay.

<p>Reading of Quotes: VC06-10-02: Koressel Road Bridge #1140 Repair VC06-10-03: Baseline Road Culvert #130 Replacement</p>

Ted C. Ziemer, Jr.: Okay, for the Koressel Road bridge, Deig Brothers' bid is \$39,306; CCC of Evansville, Inc. bids \$62,969.91. For the Baseline Road culvert, and this is what was taking the time, there's a main bid, then an alternate bid, which wasn't totaled, but we've got it now. The main bid of Deig Brothers is \$24,859.50. For the alternates, they bid \$4,982.50. Their total bid is \$29,842, including the alternates. For CCC of Evansville, Inc. for the Baseline Road culvert, their main bid is \$17,808.60. Their alternate bid is \$4,163.37. Their total bid, including the alternates, is \$21,972.07.

President Musgrave: Is there a motion to take those under advisement?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Do you have anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: Not on bids.

President Musgrave: Any other reports of any kind?

Ted C. Ziemer, Jr.: Nothing that's not on the agenda.

President Musgrave: Okay, do we want to then take a, I don't know, a five or ten minute break?

Ted C. Ziemer, Jr.: Want to do the Barrett Law?

President Musgrave: Oh, yes, please.

**Resolution CO.R-11-06-022: Preliminary Resolution for
Bohannon Estates Barrett Law Project**

President Musgrave: Go forward with the Barrett Law, Bohannon Subdivision Barrett Law.

Ted C. Ziemer, Jr.: Okay, we have prepared and you have before you for consideration and possible approval, a preliminary resolution of the Commissioners approving certain roadway and roadside drainage system improvements adjacent to lots in Bohannon Estates number one, two and three subdivisions, the issuance of bonds to finance such a project and other matters related to that. The preliminary resolution includes the engineer's estimate of \$286,250 for the project. Attached to the resolution is, or are the names of the benefitted property owners with their addresses, and it, of course, provides that on determination of the final cost and adoption of a final resolution the benefitted property owners will have the opportunity to elect to pay assessments in annual installments of ten years, 20 years, or 30 years, or a number of monthly installments that correspond to ten years, 20 years, or 30 years. In connection with that, as a separate item, if that resolution is approved, we have prepared and you have before you a form of notice of public hearing, which would be given to the, by certified mail, return receipt requested to all of the benefitted property owners who's names are attached to the preliminary resolution. In addition, that notice of public hearing would be published Friday of this week, November the 17th, advertising a public hearing on this for December 5, 2006 at 3:30 p.m. You can do those separately, if you wish, to approve the preliminary resolution and then, secondly, approve the notice of public hearing and publication thereof.

President Musgrave: Alright, is there a motion to approve the preliminary resolution CO.R-11-06-022?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? Anyone here to speak on this? All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Okay, could we have a roll call vote on that, please?

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

**Approval of Publication of Notice of Public Hearing:
Bohannon Estates Barrett Law Project**

President Musgrave: We will move now to the notice of public hearing. Is there a motion that the public hearing will be held here, in this room, on December 5th at 3:30?

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Do I need a roll call on this?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay. Those two have passed, and I know that this subdivision Barrett Law has taken quite some time to bring to this point, and this is a vehicle whereby the subdivision will get certain improvements, and it will be paid for by the property owners within that subdivision. No county funds are involved in that. Alright, I still do not see Mr. Duckworth returned.

New Business

President Musgrave: Is there any new business that the Commissioners may have?

Ted C. Ziemer, Jr.: In Mr. Duckworth's absence, I could comment on the lease.

President Musgrave: Alright.

Ted C. Ziemer, Jr.: If I can find it. It's the desire of the Superintendent of County Highways that certain heavy equipment be stored inside, or within cover for a period of four months, during the winter months. The Superintendent of County Highways has located a space that would be suitable for such storage in a building owned by Southern Indiana Scale Company. The storage would be for a lump sum payment of six thousand, a rental of \$6,400 for the entire four months, running from November 15, 2006 through March 15, 2007. We were presented with an original form of that lease, which had some defects, as far as I was concerned, as County Attorney, I discussed those with the attorney for Southern Indiana Scale Company, and they have revised the lease to my satisfaction. I now find that it is acceptable for execution, should you desire to approve it, from a legal perspective.

President Musgrave: Okay, is there a motion to approve this lease?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Any discussion? All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Mr. Ziemer, since we've never done this before, let me ask your opinion, can we recess this meeting and go directly into the Drainage Board? There's no Drainage Board? There's nothing else today?

Ted C. Ziemer, Jr.: There is no Drainage Board.

President Musgrave: So, we're just all waiting for the paver?

Ted C. Ziemer, Jr.: I could dance or sing, I guess.

Commissioner Nix: Please don't.

President Musgrave: I don't hear a motion for that. Alright, in which case we are going to recess until Mr. Duckworth is done reviewing his bids, and when he comes back we'll reconvene.

Ted C. Ziemer, Jr.: I could ask, Mr. Stoll, did we do the McCutchan Estates? I have, do you want to come here, please? Because I was doing bids when you were at the podium. I had delivered to my office executed copies of the warranty deed from the McCutchan Estates owners association and the perpetual highway easement, however, I don't have the encroachment agreement. Do you have that?

John Stoll: I don't have it.

Ted C. Ziemer, Jr.: Okay.

John Stoll: I guess, we could proceed with getting the right-of-way dedications recorded, and then, at a later date, whenever we're ready to accept the street, have the encroachment agreement signed at the same time. If they provide it at that time, but they did not forward it to me today, at least.

Ted C. Ziemer, Jr.: Do you want me to give these to you?

John Stoll: Yeah, I can take them.

Commissioner Shetler: Did we, when we made that original motion, did we approve it subject to certain conditions being met, and that you would kind of just come back and tell us that those conditions were, in fact, met? So, do we need to actually make...I mean, I guess, that's my question to you?

Ted C. Ziemer, Jr.: No. I don't think so. If we have the encroachment agreement, which is not here today, we now have a deed of easement to the county, plus a perpetual highway easement to the county in form satisfactory to the County Attorney. They need to be recorded, and then when we receive an executed copy of the encroachment agreement—

John Stoll: Then we can accept the road—

Ted C. Ziemer, Jr.: Right.

John Stoll: —and we'll forward the encroachment agreement back to the—

Ted C. Ziemer, Jr.: There would be action by the Commissioners—

John Stoll: —homeowners association.

Ted C. Ziemer, Jr.: —then to accept the road.

John Stoll: Right. The conditions were that they provide a survey showing that the road lies within the right-of-way. They found that it didn't, so, that's why these extra easements had to be granted.

Commissioner Shetler: Right. Okay.

John Stoll: Then, the encroachments that were in the existing right-of-way, like the retaining wall and the decorative guard shack and things like that, are addressed in the encroachment agreement. So, all the conditions that were discussed are addressed either through those deeds, or through the encroachment agreement.

Commissioner Shetler: Okay, thanks.

John Stoll: They did do the street repairs as was requested on that original conditional approval.

President Musgrave: Okay.

Public Comment

President Musgrave: Is there any member of the public wishing to address the Commission, under our public comment period? I see no one. So, Mr. Shetler is going to check on the situation. We'll wait.

Ted C. Ziemer, Jr.: John, are you going to take these bids?

Introduction of EVSC Job Shadow: Jessalyn Julian

President Musgrave: Before we reconvene and let Mr. Duckworth inform us of the decision, I would like to introduce Jessalyn Julian, who is a student at where?

Jessalyn Julian: Central.

President Musgrave: Central, and she came in after the meeting started, and I didn't notice her, and I didn't call her up. I'm sorry about that. But, you were at a competition which had delayed you from arriving earlier.

Approval of Contract VC-15-2006: Bituminous Paver

President Musgrave: Okay, Mr. Duckworth, we've been waiting for the news.

Mike Duckworth: Yes, well, first of all, thank you for your indulgence in letting us go through the figures. I wanted to just give some explanation as to why this is so imperative. With the new season starting, and construction companies, as well as municipalities looking to get this type of equipment after the first of the year when new budgets are in, we felt that it was imperative to move this along so that we could

get this piece of equipment in here before the end of the year. We're utilizing 2006 dollars, as well as 2007 dollars, and that way we have no worry or no concern about starting our next years paving season. With that, after reviewing the bid documents, it's my recommendation to award the bituminous paver bid for Vanderburgh County to Brandeis at an amount of \$229,061, which includes, that would be the total amount, it includes four lease payments of \$9,000. They met or exceeded all of the expectations of the bid process, and we had to make a call and get some clarification, but all of that was clarified. So, it's my recommendation to award that bid at this time.

Commissioner Nix: Just curious, Mr. Duckworth, what did we have budgeted for that? Do you remember?

Mike Duckworth: Yes. We have approximately \$60,000 in our rent to lease line item, and we will be utilizing the \$36,000 out of that this year. In addition to that, the County Council allocated an additional \$210,000, which will be more than enough for us to take care of this.

Commissioner Nix: Thank you.

President Musgrave: And, the old paver, I know that you were quite concerned that it was going to fatally break down. How old is that machine?

Mike Duckworth: It's, let me double check here, a ninety-

Dave Hudson: '95.

Mike Duckworth: '95 model. So, eleven years old. It's also been struck by a tree, and in a storm, and, so, it's, our crew Dave Hudson, the gentleman there does a good job in keeping our equipment, you know, updated and serviced so that it will last eleven years. The average life span is about six to seven years on these, and we've gotten eleven years out of it. We're averaging, this year we did somewhere around 35 miles of paving in the county, along with some other paving done within the community at other entities, governmental entity properties. I think this is a good investment. We can continue our staff and our workforce in paving. Before I leave, I would, since I was out of the room, ask if the railroad liability agreement and the Southern Indiana Scales agreement were approved?

President Musgrave: We could have done even more work, but we ran out of it.

Mike Duckworth: Well, thank you, again.

President Musgrave: Well, hang on, let's make a motion to award the bid to the low bidder, Brandeis.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there any other business? Motion to adjourn?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

(The meeting was adjourned at 4:15 p.m.)

CONSENT ITEMS:

Employment Changes:

Center Assessor (2)	Prosecutor (2)	Superior Court (4)
Circuit Court (1)	VCCC (1)	Scott Assessor (1)
County Highway (2)	Sheriff's Office (1)	Auditor (1)
County Clerk (1)	Commissioners (1)	Centre (1)

Travel Requests:

Health Department (4)	Commissioners (3)	Union Assessor (1)
County Highway (1)		

Surplus Requests:

Area Plan	County Engineer	Coroner
Health Department		

Auditor:

A/P Vouchers: November 2006.

Drawdown No. 7: Knight Township Fire Department CDBG Funds.

County Engineer:

Pay Request No. 8: Integra: Burkhardt-Green River TIF Projects.

Maximum Estimate for Bohannon Estates Barrett Law Project.

County Clerk:

Monthly Report: September 2006.

Use of Centre/Waiver of Fees Not Overtime: Election Office.

Commissioners:

IBAP Gatekeeper Report: October 2006.

Legal Aid: October 2006 Statistics.

Letter from Gail Riecken: Department of Parks & Recreation.

Letters from Insight Communications: State Issued Video Franchise.

Letter from Sigecom: State Issued Video Franchise.

Letter from Planetary Planners.

EVSC Letter: Daniel Wertz: Permission to Use Discover Lodge: Evacuation Site.

Pay Req. No. 83: Jail Project: 154,894.20.

Department Head Meeting Notes: October 24, 2006

County Council: Resolution CO.R-01-06-021: Sheriff Dept. Proposed Contract

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services
CIO		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Nancy Kovanic	Dorie LoBue
Mike Duckworth	John Stoll	Dave Hudson
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
NOVEMBER 21, 2006**

The Vanderburgh County Board of Commissioners met in session this 21st day of November, 2006 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 November 21, 2006 meeting of the Board of Commissioners. It's approximately 3:30. We'll start with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Maria Nelson: Maria Nelson, Mater Dei.

President Musgrave: Cheryl Musgrave, County Commissioner.

Jessalyn Julian: Jessalyn Julian, Central High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Recognition of Commissioner-Elect Troy Tornatta

President Musgrave: I would like to welcome again Troy Tornatta, County Councilman and County Commissioner-elect.

Recognition of Commissioner Tom Shetler

President Musgrave: And mention that Commissioner Shetler who was to be here for what was his final meeting, suffered a back injury, and is not able to join us. But, I would like to thank him for his service anyway, and wish him well in his new position on Council, and remind him that the Commissioners have some items on Council's agenda, and we would certainly like to have his consideration for those.

Approval of the November 14, 2006 Commission Meeting Minutes

President Musgrave: The first item on our agenda is the November 14th Commission meeting minutes. Is there a motion to approve?

Commissioner Nix: So moved.

President Musgrave: And I'll second. All those in favor? Aye.

Commissioner Nix: Aye.

President Musgrave: The motion carries. Is Mr. Dave Rector here? I do not see Mr. Rector, so we'll pass him.

Burdette Park: Chalet Rental Update
--

President Musgrave: Steve Craig from Burdette Park is not here, and has sent instead his deputy to give us the chalet rental update. Gary?

Gary Hohman: Gary Hohman, I was going to say that I was Steve and that I'd been on a crash diet, but I don't think I can get by with that. What I have for you today is some comparisons for the past three years for building rentals at Burdette Park. During the year of 2004, we rented a total of 1,693 buildings, 827 of those were chalet rentals, and 913 were other buildings, 60 were pool related type rentals. In 2005 we had an increase overall of 30 rentals, and renting a total of 1,723 units, 849 of those were chalets, 821 were other buildings, and 53 were pool related rentals. In 2006, these figures are incomplete in that we do have them on the book from January 1 through December 31st. There will possibly be some additional late rentals coming in for the balance of this year. For the current year, we have rented 1,854 units at Burdette, 886 of those were chalets, 800, excuse me, pardon me, 888 were chalets, 866 were other buildings. We do have, our latest chalet we opened up in May of this year, which gave us the availability of 225 rental days. That building was rented 113 of those 225 days. We are offering at Burdette Park from November 1st through February 28th, a half price rental rate Monday through Thursday on any of our chalets, based on the availability, are available for the public at half price during this time period.

President Musgrave: About how much is the rental at full price and then the half price?

Gary Hohman: There's two different categories of our chalets. Five of the units have Jacuzzi hot tubs in them, they rent for \$114 plus tax. The two that do not have the Jacuzzi hot tubs have a full bath upstairs and down in lieu of the hot tub, they rent for \$102 per night.

President Musgrave: So, from Thursday through Sunday you can rent those at full price? And is it Monday through—

Gary Hohman: Monday through Thursday.

President Musgrave: Monday through Thursday is the half price?

Gary Hohman: Half price rental.

President Musgrave: It sounds like you have rooms available?

Gary Hohman: We do, and we welcome the public to come out and spend the holidays with us for a nice retreat in our rustic chalets.

President Musgrave: You have fire places?

Gary Hohman: A fireplace, all of the amenities are provided, all they need to bring is the food.

President Musgrave: That sounds like a lot of fun.

Commissioner Nix: I know, just, if you could just touch on the Discovery Lodge, just a little bit about the size of the facility and how many people it can accommodate and what it's used for. I know we're booked out a pretty good ways, but we're looking to really promote this, as part of our—

Gary Hohman: This facility, sir, is rented, it's the only building in Burdette's system that we will rent two years in advance, by virtue of the type of facility that it is. It offers an opportunity not only for wedding receptions, business seminar conventions, so, by virtue of that we have set it up on a two year rental basis, rather than the one year rental basis that all of our other buildings are available. The Discovery Lodge is a 16,000 square foot, open air, log structured building. We have the maximum seating and still allow a 40 by 40 dance floor area in that building. It will seat up to 650 people. We've rented it, on an average of 1.8 times per week since it's inception.

Commissioner Nix: And, I've noticed too there seems to be a lot of companies, or businesses in Evansville and this area that are using it during the week for conventions and that type of thing. I think a lot of that has to do with some of the amenities this has. Of course, it's the surroundings, it's a good place to get away and have a company retreat, and we've added wireless internet too.

Gary Hohman: Wireless internet is available for groups and organizations that would like to utilize that service. We have the capability of breaking the building down into different sections that, the building is large enough that, you know, specific groups or areas can meet in different sections of the building. We have an eight speaker sound system in the facility. We provide a wireless, cordless microphone that can be used, that will go through that eight speaker sound system. We have a large, gas fireplace that offers a great ambience to the entire structure.

Commissioner Nix: Thank you.

President Musgrave: Alright. Well, thank you very much for your report.

Gary Hohman: Thank you.

President Musgrave: I hope that your bookings during the week increase at the half price chalets.

Gary Hohman: Yes, Ma'am.

Commissioner Nix: Thanks.

**Building Authority: Concession/Coat Check Renovations at the Centre
(F&B Funds)**

President Musgrave: I see that Dave Rector has now arrived. If you would like to come forward and talk about the concession machine at the Centre.

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority, requesting permission to spend some F&B dollars to relocate the existing coat check station at the Centre, just down about 12 feet into the room to create more space for another concession area next to the concession areas where the coat check is. It gets really congested and crowded during concerts, with everybody checking in coats, trying to get a soft drink or whatever they're getting. This is going to create another concession area, so that it will alleviate some of the crowding, but, yet still have a coat check area. It will cost about \$6,000.

President Musgrave: I went over and toured this—

Dave Rector: Yes.

President Musgrave: —was that last week, I think it was?

Dave Rector: Last week or the week before, yeah.

President Musgrave: And looked at some of the other projects that they're talking about, and it looks like it would indeed cut down the confusion and the lines, and perhaps sell more concessions.

Dave Rector: I think so.

Commissioner Nix: I move approval.

President Musgrave: And, I'll second. All those in favor? Aye.

Commissioner Nix: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you, Commissioners.

President Musgrave: Let me know when it's time for me to come over and look at the progress on some of the jobs that they have.

Dave Rector: Yeah, like we talked last week, I will.

Discussion of Moving Solid Waste and Computer Services

Commissioner Nix: Mr. Rector, while you're here, if you could, we had a Solid Waste meeting last week, and there was some discussion about improvements to that area—

Dave Rector: Yes.

Commissioner Nix: —and a move, a couple of moves. Could you touch on that first, please?

Dave Rector: Yes, Marissa got us copies of the minutes today, and, indeed, as you thought, and the motion was made by Commissioner Musgrave in that meeting to approve expenditures up to \$5,000 to relocate Solid Waste to make room for Computer Services. Only one correction, Joe made the statement in there that the

Building Authority would pay for the move, and that's not our intention to do that. We aren't moving them at our request, it's their request to make room for expansion, but we'll certainly facilitate the project. We will take care of though, he's saying they're going to take care of the carpet, because that's part of the building that we do. So, we'll take care of the carpet. So, just some corrections to those minutes, but I think it will come in under the \$5,000.

Commissioner Nix: Then, that will make room for Computer Services, their needs for right now then?

Dave Rector: And, we have done some layouts for that Matt Arvay has to review, and I've not gotten feedback from him to whether they meet his needs or not, but we'll let you know about that as soon as we do.

Commissioner Nix: Thank you.

Dave Rector: So, with that, I think with your motion we're ready to proceed with getting Solid Waste moved up here and down at the old police personnel.

President Musgrave: Okay. Thank you very much.

Dave Rector: Okay. Thank you.

Purchase of State Surplus Land

President Musgrave: Next on the agenda is an item that I know we want to discuss, it's about the purchase of some state surplus land. A little background on this is, a few months ago the state sent out a list of property, in the county, that they were going to sell. I expressed interest in it at that time, because these are two wooded lots on the east side of 41, just at the state line. So, it's right on Waterworks Road. They are heavily wooded, they flood, the land can't be built upon, very restricted building options, and it seemed to me that that would be a good addition to the county's recreational inventory. I talked with Bill Jeffers, and he's here in the audience today, Surveyor Jeffers, about the land, and he helpfully provided some maps, and we've discussed it a couple of times. The state has, it started out with an offer of, for us to purchase this land at an appraised value, they had a local appraiser put a value of \$55,000 on this. When I suggested that the government should not charge another government for this land, they reduced their asking price to \$15,000. Mr. Jeffers, would you like to comment on this land and the potential uses and activities that we might pursue there?

Bill Jeffers: Yes, Commissioners, when Commissioner Musgrave approached me on this, I thought at first the price was rather high. I'm glad to hear she's been able to negotiate it down to something reasonable, a couple, three hundred dollars an acre doesn't seem unreasonable for such land. I think part of it might be farmable, but, I think if it is, it's very marginal. As she said, it's not buildable. It's definitely so far below base flood elevation that it would be unreasonable to fill it and build on it. The property happens to be adjacent to Eagle Slough, which is the county's regulated drain that serves the entire southeast side of Evansville that doesn't go through the combination sewer. In other words, all those areas that are gravity flow that go to K-1, K-2, and K-3 pump stations are pumped out into Eagle Slough. This ground is immediately adjacent to that. It would establish a more practical access for us to take in our maintenance equipment and repair equipment to Eagle Slough to make

drainage improvements associated with that drain. Like I said, this is a very important drain. It serves those areas that experienced the heavy flooding in September of this year. We do have chronic beaver dams and logjams because of high water. Currently we have to block one lane of I-164, dismantle the guardrail and deploy our equipment down the steep embankment of I-164. That's very impractical. Or, we could enter via farm fields, which usually ends up causing crop damage. Since we don't have easements in that, that are totally accessible, we have to pay crop damage. This would provide an alternative flat land route from a county road, Waterworks Road, then across county land to get to Eagle Slough. Also, you might want to think, another big plus would be wetland mitigation for North Green River Road project. This is definitely a wetland. You may be able to not only maintain it as a wetland, but enhance it as forested wetland, wildlife refuge, wetland habitat, and you may be able to bargain with the Indiana Department of Transportation for wetland mitigation value, and not have to go purchase land somewhere else in a more expensive setting to accomplish that. There may also be incentives from state and federal agencies through the United States Department of Agriculture and Indiana Department of Natural Resources, programs they use if you were to put it into a permanent habitat easement. I think there would be some benefit there. You could partner with public and private groups like Ducks Unlimited, Isaac Walton League, Howell Wetlands, Canoe Evansville, Evansville Parks Department, and so forth, to develop it for recreational purposes; bike paths, hiking trails, bird watching, ridal paths for horses. Overall, I think it's a great opportunity, and I support the project.

President Musgrave: I've been also discussing it with our attorney, and we think that maybe a counter offer might be appropriate. Would you care to comment on that, Mr. Ziemer?

Ted C. Ziemer, Jr.: Well, only to this extent. It's not clear, as Mr. Jeffers has said, that there's any particular value to the property, other than perhaps for exercise or entertainment, through use of a bike path or whatever. Really, I think, we might just suggest to the state that we don't have any budget for this particular purchase, even at \$15,000, and that we would be perhaps willing to accept the donation of the property, if they're willing to do that, and then we would undertake the maintenance of the property.

Commissioner Nix: I guess, from a legal standpoint, what steps do we have to do to get that process started then?

Ted C. Ziemer, Jr.: If it's going to be donated, we don't have to do very much of anything. One governmental entity can donate property to the other governmental entity, we would both adopt a resolution, our resolution would be to accept it, the state's resolution would be to donate it. If we're going to purchase it for any amount of money over \$1,000, we then have to get an ordinance passed by the County Council approving the terms and conditions of the purchase.

President Musgrave: I would like to ask you to negotiate with the Department of Administration, and go back to them and ask them if they couldn't see their way clear to giving that to us.

Ted C. Ziemer, Jr.: I'll do that.

President Musgrave: Alright. Just to make it official that you're doing this, I would like to make a motion to that effect.

Commissioner Nix: And, I will second it.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. So, we will come back, hopefully, at our next meeting, and see what kind of progress that we can report on that.

County Engineer

President Musgrave: County Engineer, Pat Seib is subbing for County Engineer, John Stoll, and there are one permission to advertise for bids on the agenda, and that is for Burdette Park bike path. Then, you have another one that is not on the agenda?

Patrick Seib: Correct, I also have one for VC06-12-01, Hillside Road reconstruction. I would like to request permission to advertise both of those. Also, to go along with the Burdette Park, I would also like to request that the Commissioners sign the cover sheet that will accompany those plans.

President Musgrave: Could you tell us a little bit about the Burdette Park bike path?

Patrick Seib: As I understand it, this bike path is the first phase linking up Burdette Park to USI. I think this phase is going to run approximately east to west out of Burdette and end up over near Nurrenbern Road, a little over half a mile.

President Musgrave: Is there a motion to grant permission to advertise for those two bids?

Commissioner Nix: So moved.

President Musgrave: And, I'll second. All in favor? Aye.

Commissioner Nix: Aye.

President Musgrave: Motion carries.

Patrick Seib: I've also got, recommend the Commissioners award contract VC06-10-01, Baseline Road culvert number 130 repair to CCC of Evansville in the amount of \$21,972.07.

Commissioner Nix: Move approval.

President Musgrave: Question, what's that VC number again? Because I think it's listed wrong on our agenda.

Commissioner Nix: It's out of order actually.

President Musgrave: It's out of order?

Commissioner Nix: Well, yeah, he's got that....go ahead, if you want to read it again.

Patrick Seib: I've got down VC06-10-01.

President Musgrave: And, I have it—

Commissioner Nix: Excuse me, I'm sorry, yes?

President Musgrave: —down as 03. Madelyn, do you know which number it actually is?

Patrick Seib: I think the Form 96 should have the correct number on it.

Madelyn Grayson: It's for the Baseline Road?

Patrick Seib: Yes.

Madelyn Grayson: The Form 96 doesn't have it on there, but it was listed last week as VC06-10-03.

Patrick Seib: Very well, then, I'll correct that and say 03.

President Musgrave: Is there a motion to award?

Commissioner Nix: So moved.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Wait, I second that.

Commissioner Nix: Okay.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Next?

Patrick Seib: I also want to recommend the Commissioners award contract VC06-12-02, Koressel Road Bridge number 1140 repair to Deig Brothers in the amount of \$39,306.

Commissioner Nix: We need a clarification on that one too.

President Musgrave: It's ten, zero two.

Commissioner Nix: It is ten? Okay.

President Musgrave: Is there a motion to award?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Patrick Seib: I also have, I would like to recommend approval of a storm sewer acceptance request for Section One of Creekside Meadows Subdivision. There's 2,641 feet of pipe, and the acceptance fee of \$5,282.

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries.

Patrick Seib: My last item is to recommend approval of a storm sewer acceptance request for Asbury Pointe, Section One. That has 1,049 feet of pipe, for a total acceptance fee of \$2098.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Motion carries.

Patrick Seib: That's all I have, unless you have any questions.

President Musgrave: No questions. Thank you very much.

Patrick Seib: Thank you.

President Musgrave: I would just like to comment that the Burdette Park bike path has been talked about and dreamed of for, I understand, more than 20 years, and bidding out this first section which is .6 miles is a real milestone upon the path to get this real amenity and wonderful, new recreational path under construction. I understand that if they can afford the bids that come back, that maybe we'll be looking at an early spring start. But, that will all remain to be seen.

<p>Purchasing: Review and Award of Quotes: APA-042-2007: Calcium Chloride</p>
--

President Musgrave: We move now to Purchasing, review and award quotes opened at the Board of Public Works for calcium chloride. We have Ms. Debra Spalding here to give us the information.

Debbie Spalding: Good afternoon. The quotes were opened for calcium chloride on November 2nd at the Board of Public Works. There were four options that were available, due to conversations we had with the Board of Public Works and the County Highway. In speaking with Mike Duckworth, his preferred option was option two, because of the fact that the county has storage tanks already on their property,

so, they would like the option to not have to buy 4,000 to 4,500 gallons at one time, but to have the vendor have it available, and then as they need it they would order it. So, you will see on the bid tabulation that option two, there was only one bidder and that is Busler Enterprises. And, that's who we would recommend awarding the bid to.

President Musgrave: Are there any questions? Is there a motion?

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Motion carries. Thank you.

Debbie Spalding: Thank you.

Treasurer: Depository Agreement with ONB (Revised from 10/24/06)
Sheriff: STOP Grant Memorandum of Understanding
Health Department: AIDS Continuation Grant

President Musgrave: Contracts, agreements, and leases, we have it looks like a couple. The County Treasurer depository agreement revision number two, there are technical errors in the contract. Are there any questions? Is there a motion?

Commissioner Nix: So moved.

President Musgrave: All those in....I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. The Sheriff Department has a STOP grant memorandum of understanding. This has been reviewed by the County Attorney. This runs until June of 2007, and there's a budget attached for local match funds. I understand that that budget is already in place. Is there a motion?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. The Health Department has an AIDS continuation grant, also reviewed and appropriate for approval. If there are no questions, is there a motion?

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. We come now to department head reports, the County Engineer has already given your report? Are there any other department heads to give a report? Ms. Nichoalds? Mr. Ziemer?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay, so, no other reports.

New Business

President Musgrave: New business. We have the item to cancel the November 28th meeting. That is a week from today, and that's due to the Indiana Association of County Commissioners conference, which I will be attending. I believe Commissioner-elect Tornatta is also attending. Commissioner Nix can't run the meeting by himself.

Commissioner Nix: I'll be holding down the fort.

President Musgrave: Okay. So, let's have a motion to cancel that meeting.

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Old Business

President Musgrave: Old business. I just want to report that I've been in contact with our Washington D.C. lobbyist every day, sometimes more than once a day, and it looks, his latest report today was that it looks fairly certain that our two million dollar earmark that looked like we had obtained late this summer, early fall for University Parkway is dead. It looks like a bunch of earmarks all across the country, you know, for governments and other entities of all sizes will die along with our earmark. I've met with Congressman-elect Ellsworth, and we established a working relationship, and he has said that he will help us to pursue the same type of a grant starting next year. It looks like all of those grant applications and paperwork will come in a big flurry, beginning in January. So, we'll look probably to apply again for nine to eleven million dollars for University Parkway. Last year we asked for money for the Burdette Park bike path, we will again ask for it, because, as you can see today, we're only building part of that bike path, if we are successful in our bids. Last year we asked for reverse 911 money, and that also went by the wayside. So, our Congressman-elect Ellsworth is a member of Central Dispatch board and knows how useful reverse 911 would be. So, we will pursue all of those. I believe, Commissioner Nix, you wanted us to look into Old Courthouse renovation money. So, I'll be looking for that as well. So, I did just want to bring you up to date on University Parkway's earmark, which, things still could change he tells me, but it looks less likely every day.

Public Comment

President Musgrave: Is there anyone here to bring a public comment to the Commissioners? I see no one.

Commissioner Nix: That gentleman.

President Musgrave: I'm sorry. Please come forward and state your name and address. Thank you.

Tim Hermes: Commissioners, ladies and gentlemen, I'm Tim Hermes with Sitco. We're the secure internet provider to the rural environment in our area. We had a situation come up that for weeks has kind of astounded us. I wrote you a little letter this morning, you may have not had a chance to look at it. I've got a copy, and in the, I guess, interest of time, we provide a signal that comes from the Old Courthouse building, over to the Old National Bank building, which begins our, the projection of that signal out to the rural communities. The communities that we serve are Arthur, Buckskin, Elberfeld, Ditney Hills, Evansville, Francisco, Fort Branch, Haubstadt, Johnson, Mackey, Oakland City, Owensville, Posey County/Mars area, Princeton, Sand Hill, St. Wendel, Wadesville, and Winslow, and others to be added shortly. What's happening is, is we rent space in that building from Cinergy in their co-locate area. With that, we have an antenna that points towards the Old National Bank building through a window, and we've been working and working and working and working to improve that signal. We've spent several thousand dollars and a lot of labor and time, low and behold to find out that the low-e glass coating, the low-e coating that's on the window is razing havoc with that signal, you know, it getting out. We propose that you allow us to just take the antenna and go up to the bell area where there's, and locate it where it's out of site, behind the mesh screening, nobody will see it, but there's no low-e getting in the way of the signal. There is an existing cable that is there, and we have permission from the Cinergy people to use that, and it's kind of an emergency. We need to do it. It's really not a big deal, but it's your building, and we feel we need to ask you before we would go up there with an antenna. The next thing you're going to say is how big is it? It's about, oh, 16 inches tall and 12 inches wide, and it's just bars, little bars. You have a picture of it there actually. With your permission—

Commissioner Nix: I guess, from the standpoint of the Old Courthouse Foundation, I guess, that's what we still call the group, I'm a little uncomfortable making any modifications to that building at all, or doing anything like this, unless we go in front of their board. I've just had this morning to look at this, and haven't had a chance to talk to anybody about, any of the board members at all, but, I just think it would be prudent that we do that. They work pretty hard, and we're in the process of doing some renovations to the building, and, I don't know that they would incorporate this area at all, but, I guess, the other question, I have a question also, the feed for this, will this come up through the building? Or is this something that's going—

Tim Hermes: It's already there.

Commissioner Nix: Okay, you'd mentioned that. There's cable inside the tower here?

Tim Hermes: Yes.

Commissioner Nix: Okay.

Tim Hermes: Yeah, it's existing.

Commissioner Nix: So, it's just a matter of you tapping on to an existing feed that's in the tower?

Tim Hermes: Yes.

Commissioner Nix: Okay. We meet—

Tim Hermes: It's, you know, it would not be visible in anyway.

Commissioner Nix: Okay.

Tim Hermes: You couldn't see it.

Commissioner Nix: I understand that, but, once again, it's just something I'm not comfortable approving without going through the board. I actually sit on the board. We meet on the 11th of December, and, we actually, at that time, will have an architect there to discuss the plans for the renovation work. I would like to take this along. With the understanding, you say it won't be visible, but, once again, I would like to meet with the board before we do anything.

Tim Hermes: Would there be anyway to, in an emergency, locate that antenna to point to the Old National Bank, and should it be a problem, then take it down? We are in dire straits, and we're trying to...there's a national mandate to provide broadband internet to our nation, our local communities, as well as even here in Vanderburgh County, and we are extremely hampered by the result of this. We just recently took on a new level of customer base, the Ohio Valley Cable Company. That put more pressure on the system, and it can't get enough out through that window.

President Musgrave: Before we address the timing point, I have another question. I know that there are other antennas in the bell tower, and I know that a fee is paid for those, and they are under contract, but, what I don't know is what the fee is. I remember sitting through Commission meetings a couple of years ago where they began to refuse new applications because it was already too crowded up there. So, under any circumstances, I would be looking for a fee to place your equipment there, and make sure that the Pigeon Township Assessor's office is aware of the equipment and receives the proper reporting forms for those.

Tim Hermes: Well, I'm sure your fees are fair, and we would be comfortable—

President Musgrave: And, I don't know. I have not had time to research this, because I learned about it at the exact same time that Commissioner Nix learned about it.

Tim Hermes: Would there be any opportunity of checking into those fees where we may discuss it tomorrow?

President Musgrave: Of course, there is. I think that—

Tim Hermes: Could we move it away from the public forum?

President Musgrave: Yes. So, I would like to go ahead and authorize Commissioner Nix to proceed with the plan that he has outlined, including investigating the fees, the space issues, and taking into consideration the fact that many, many other services and entities want to use the high point that exists in that cupola to locate antennas.

Commissioner Nix: I guess, that's part of my concern is you allow, and I wasn't aware, well, I did know there were a couple of things, but, at some point, you've got to say, you know, we've got no more space. I mean, it's just something that we need to look at. A day's notice isn't enough for me.

Tim Hermes: I realize that it is short, and I apologize for that, but we do have an emergency. It has to do with families that are trying to be on the internet, it has to do with businesses, tier one suppliers to Toyota, TMMI, and all I can do is ask and prevail on your sense of fun and fair play that we might be able to expedite, even a temporary fix.

Commissioner Nix: I'm just curious, that low-e glass has been in there for quite some time.

Tim Hermes: That's correct, and at the level we were utilizing it, it was working. But, now with the expansion and trying to take on the OVC customers, the signal that we're trying to put through that, it's not doing well.

President Musgrave: I would like to make a motion that you go ahead and handle this problem, and report back—

Commissioner Nix: I'll do that in the two week meeting then.

President Musgrave: Okay.

Commissioner Nix: With the option that if we can get something worked out, maybe temporarily.

President Musgrave: Perhaps you can consult with that board by phone, or call an emergency meeting. So, that's my motion.

Commissioner Nix: I second it.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. We look forward to the satisfactory resolution for all parties.

Tim Hermes: When could I speak with you?

Commissioner Nix: Well, I've got, we've got another probably hour's worth of meetings or so. I can give you the Commission office number, it's 435-5241. Just call that in the morning around 8:00 or so.

Tim Hermes: Okay.

Commissioner Nix: I'll, we'll get together.

Tim Hermes: Great. Thank you very much.

Commissioner Nix: Okay. Thank you.

President Musgrave: Thank you, Mr. Hermes. Are there any other members of the public wishing to address the Commissioners? I see no one.

Consent Items

President Musgrave: Consent agenda. Is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Motion carries. If there's no other business, I will ask for a motion to adjourn.

Commissioner Nix: So moved.

President Musgrave: And, I will second. We will follow this immediately with Drainage Board and then Rezoning.

Commissioner Nix: Yes.

(The meeting was adjourned at 4:09 p.m.)

CONSENT ITEMS:

Employment Changes:

Public Defender (2)	Pigeon Assessor (1)	Center Assessor (1)
Health Department (2)	County Clerk (1)	Sheriff (3)

Travel Requests:

County Council (1)	Health Department (1)
--------------------	-----------------------

Auditor:

Surplus Request: printer.

Barrett Law Lien Releases (3): Westwood Barrett Law Project

County Engineer:

Pay Request No. 9: Integra Acct. 4314: Burkhardt-Green River TIF Projects.

Commissioners:

Barnes and Thornburg Lobbyist Quarterly Report.

Drawdown No. 8 & No. 9: Knight Township CDBG Grant Fund.

Girls in Bloom: Use of Centre: Waive Fee not OT: Feb. 2007

Purchasing: Monthly Report: October 2006.

Department Head Reports:

Burdette Park
Ozone Officer

County Engineer
Supt. Of Bldgs.

County Highway
Veterans Service

Those in Attendance:

Cheryl Musgrave
Ted C. Ziemer, Jr.
Gary Hohman
Pat Seib
Others Unidentified

Bill Nix
Marissa Nichoalds
Dave Rector
Tim Hermes
Members of Media

Bill Fluty
Madelyn Grayson
Bill Jeffers
Debbie Spalding

**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
DECEMBER 5, 2006**

The Vanderburgh County Board of Commissioners met in session this 5th day of December, 2006 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 5, 2006 meeting of the Board of Commissioners of Vanderburgh County. We'll begin with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Maria Nelson: Maria Nelson, Mater Dei High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the November 21, 2006 County Commission Meeting Minutes

President Musgrave: Motion to approve the minutes of November 21st?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor? Aye.

Commissioner Nix: Aye.

President Musgrave: The motion carries.

Permission to Open Bids: VC-01-2007: Tax Bills

President Musgrave: Permission to open the bids for VC-01-2007, tax bills?

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

Proclamation Honoring Senator Larry Lutz

President Musgrave: The first item on our action agenda today, is to welcome Senator Larry Lutz. Senator Lutz if you'll come forward, we have a proclamation honoring you. Commissioner Nix will read that. No, you can just stay right there. Hang on.

Commissioner Nix:

"Whereas, Larry Lutz served the public of Gibson, Posey and Vanderburgh Counties as State Senator since 2002; and, Whereas, Larry Lutz has a longstanding history of public service, starting in 1978; and, Whereas, Larry Lutz is a member of numerous civic groups and a fixture in the communities political and public life; and, Whereas, Larry Lutz will retire this year from his position as State Senator. Now, Therefore, be it resolved by the Board of Commissioners of Vanderburgh County that in recognition of Mr. Lutz's many years of public service, that we do hereby proclaim December 5, 2006 "Larry Lutz Day" in Vanderburgh County."

Larry Lutz: Very nice. Thank you very much.

Commissioner Nix: Thank you.

Larry Lutz: Appreciate that.

President Musgrave: Well, it's been such a pleasure to work with you over the years. I mean, for more than ten years you've been taking my phone calls, asking you to support this and not support that.

Larry Lutz: I remember your first visit to Indianapolis.

President Musgrave: Oh, good. If it was that memorable, please don't remind me. But, you were always a gentleman, and you knew the ins and outs maybe better than several other legislators, and you gave great guidance, and I'm going to miss your calm presence.

Larry Lutz: Thank you very much.

Commissioner Nix: Appreciate that. Now you've got plenty of time for board appointments for us now, right? Is that correct?

Larry Lutz: Maybe I can play golf with Mr. Ziemer over there.

President Musgrave: I'm sure he'll let you win.

Commissioner Nix: Thank you.

President Musgrave: Thank you for coming.

Evansville ARC Quarterly Update

President Musgrave: Now we have the Evansville ARC quarterly update. Beth Lowrey? Oh, Ms. Mangold, sorry, is here to give this update.

Amy Mangold: Good afternoon. I am Amy Mangold, and I am the Director of Development at Evansville ARC, and we really appreciate the opportunity to speak with you again today. As many of you know, Evansville ARC began over 50 years ago as a school for children with developmental disabilities. Back then many parents found themselves with no place to turn if they had a child that had developmental disabilities. Well, over the course of 50 years we have changed very much. We have expanded our programs and services. Not only do we serve children with developmental disabilities, but now we serve people of all ages. From the tender age of six weeks of age, all the way up to, some of our individuals are in their 80's and almost 90 years old. We serve these individuals through various programs. Our Child Life Center, our Successful Transitions program for our high school age kiddos, we also have our Connections for Life program, our Day Services for adults, and also our Community Job Link program. One thing we wanted to talk about today is we're finding now that individuals come into our program in more of a non-traditional type of method. Our mission has evolved to not only be for individuals with developmental disabilities, but we have a mission now of advancing the value and respect for all individuals with disabilities, developmental or physical disabilities. What we're now finding, and what we wanted to kind of bring to light is that individuals are coming into our program non-traditionally, which may be traumatic brain injury, it may be a stroke or other type of medical condition that brings them to our services, or it may be some of the various accidents that we are finding that individuals have. As a matter of fact, as we start to welcome our troops back from overseas, we are now finding, and we just have an article in which that many of the troops coming back from overseas are coming back with various stages of disability. Whether it be traumatic brain injury, amputation, or other types of disabilities. In fact, of the troops coming back, 1,079 had traumatic brain injury from the conflicts in Afghanistan and Iraq. What we're wanting to do is to get the word out that we need services and programs to help include them back into society, help them find jobs, help them find the services that they need whenever they return home. Now, in keeping with that, we've got our Vice President of Day Services, our adult services, Ms. Kelly Barnett, she's going to talk about a couple of the services that we can provide to individuals who find themselves in need of our services. We also have a family who has been impacted by a traumatic brain injury that will explain what it means to individuals that find themselves in this situation and the services that they need. So, Kelly?

Kelly Barnett: Good afternoon. We're glad to have Clint and his mother Emma come with us. Clint is involved in our Adult Day Services program, and our Connections for Life program. In Adult Day Services he works on increasing daily living skills, cognitive skills, and social skills. In the Connections for Life he is working out in the community by volunteering. He volunteers once a week at the United Way office where he helps with some clerical tasks. Another day of the week he volunteers as a nursing home companion. He also attends a Bible study. So, he's got a pretty full week. Clint is one of the many individuals that Evansville ARC serves that was not born with a disability. He experienced a traumatic brain injury, which greatly impacted his life and that of his family. About five percent of the individuals, the 500 individuals or so that Evansville ARC serves do have some type of disability such as traumatic brain injury, and they were not all born with their disabilities. So, they rely

on the support that Evansville ARC provides to regain some of their skills, and increase their quality of life. Evansville ARC also provides some other services to these individuals, and that includes employment services, helping them get and keep jobs in the community. We have students who are in our School to Work Transitions program and receiving behavior supports. So, right now I would like to ask Clinton and Emma some questions. What brought....do you want to come to the microphone? What brought Clint to Evansville ARC?

Emma Hagan: Clinton had a wreck in 1996, and had severe traumatic brain injury. He was in the hospital for five months, the nursing home for an additional three months, then outpatient care through Deaconess Hospital. When the State of Indiana brought their new program for traumatic brain injury, Clinton was one of the ones first in the program. That's when we found out that Evansville ARC was taking traumatic brain injuries. They have helped dramatically. When Clinton first started there, they tell you when you first have the accident that it's five years and you will see improvement, after five years you will see very little. Clinton started there in his sixth year after his injury. Why he has advanced—

Clinton Albright: (Inaudible).

Emma Hagan: You did well. Why he has advanced dramatically in that time, we, it was curious to see how much more that ARC could help him along. As you can tell, he initiates conversation now, something he did not do before he started at ARC.

Clinton Albright: No, I didn't.

Emma Hagan: He's more integrated into meeting and being outgoing than what he was. He's learned new social skills, and he is also in a, they have a program for behavioral management. He is also in that, and that's helped him with agitations, which if you know anything about head injuries, that's a big, can be a big problem.

Clinton Albright: It's hard sometimes.

Emma Hagan: Yeah.

Kelly Barnett: Why is it important for Clint to continue receiving services at Evansville ARC?

Clinton Albright: I'm a father.

Emma Hagan: He has a daughter who's thirteen.

Clinton Albright: A thirteen year old baby girl.

Emma Hagan: She's very proud of her daddy. It helps him. It gives him time out away from the home. Otherwise, it's just mom and grandkids. It gives him a way to interact in the community. This way he gets to help give back to the community which has given so much to us.

Kelly Barnett: Do you have any other advice that you would give other families in a similar situation?

Emma Hagan: I will say that whenever he first had his accident and whenever we were going through the outpatient of physical and speech and occupational therapy

at Deaconess, they sent us to a job program, Clinton didn't qualify because he has, his type of head injury his short term memory is almost non-existent–

Clinton Albright: Right.

Emma Hagan: So, he was unable to perform tasks without constant reminders. We didn't really think there was anything until his SWIRCA advocate told us about Evansville ARC was accepting head injuries. It's improved his life. It's improved all of our lives. It's given me a break. I think that helps everybody. When mom's happy, everybody's happy.

Clinton Albright: When mom's happy, everybody's happy.

Emma Hagan: He enjoys going out. He really enjoys it. He loves the people at ARC. He loves going out on community service.

Kelly Barnett: Okay, well, thank you for coming and telling your story. And thank you for your continued support of Evansville ARC so that we can serve people such as Clint and improve the quality of their lives. Thank you.

President Musgrave: Well, thank you very much for coming and sharing your stories with us today.

Clinton: You're welcome.

Amy Mangold: We just wanted to thank the County Commissioners for their yearly support. The Day Services program does help individuals become more independent. We are funded by the state on a very outdated, I guess, I can say that, outdated and inadequate funding model. We do have shortfalls, and your gift and private support has become more critical so that we can be there now and many, many years in the future for individuals that find themselves in this type of situations. So, we just truly appreciate all of your help.

President Musgrave: Thank you.

Commissioner Nix: Thank you.

Public Hearing for Bohannon Estates Barrett Law Project
--

President Musgrave: Next on our agenda is the public hearing for Bohannon Estates Barrett Law. The public hearing is now open. All interested parties are invited to make any announcements. Are there any, is there anyone here for the Bohannon Estates Barrett Law public hearing? Please come forward to the microphone. First, this gentleman, then this gentleman. Please state your name, address for the record.

Justin Shofstall: Justin Shofstall with Easley Engineering. I'm the design engineer, and one of the project leads for this project, here to answer any questions you may have regarding it.

Roger Bass: Roger Bass, 11710 Bohannon Drive. I'm a resident and chairman of the committee trying to get the road repaved and accepted by Vanderburgh County. We come now asking the total sum, we're asking for 17 percent of the total bill for

\$50,000 from the gas taxes that were taken. I had sent a letter to the Commissioners, a very light estimate over the 26 years of the subdivision, that broke down to, the current charge is 18 cents per gallon, I went to 15 cents per gallon on 500,000 gallon used, which would be, we paid in \$75,000, at least \$75,000, and we ask for the \$50,000, which would be \$2,000 per homeowner, which would be 17 percent of the actual costs.

President Musgrave: Okay, thank you.

Roger Bass: Okay.

President Musgrave: Is there anyone else with any comments to make on this matter?

Commissioner Nix: I guess, just a clarification on the gas tax. It's derived from county roads that have been assumed by the county. And this, the roads within your subdivision back there aren't, they've never been accepted by the county, is that correct?

Roger Bass: Right.

Commissioner Nix: Okay, so, I mean, that's how that's, I don't know if you were aware of that. That's how that's arrived at.

Roger Bass: Well, then we paid taxes for driving on county roads.

Commissioner Nix: But, the sum of all those roads are assumed county roads. They're not private drives, which, I guess, this would be considered a private drive. It would be, to me it would be similar to someone claiming that for their driveway. I mean, not to exaggerate it, but—

Roger Bass: Right, right, but to get it in perspective.

Commissioner Nix: Right.

Roger Bass: Okay, but, we've still drove on the county roads, and we were all residents. I was born, you know, here. What I'm just saying is that, you know, we've contributed. So, we would like to have anything that we could get towards this large sum.

President Musgrave: Thank you.

Roger Bass: Thank you.

President Musgrave: I think you have expressed your point, which is that you feel that you've paid, you and the other residents have paid gas taxes, and you're asking for the public help in paving private roads.

Roger Bass: Yeah.

President Musgrave: You really have to make all your comments at the microphone.

Roger Bass: Yes.

President Musgrave: Okay.

Roger Bass: That's what I'm asking for.

President Musgrave: Alright, thank you.

Commissioner Nix: Thank you.

Roger Bass: Thank you.

President Musgrave: Are there any other comments at this public hearing? I hear none. So, I now announce that the public hearing is closed.

<p style="text-align: center;">Final Resolution: CO.R-12-06-024: Approving the Construction in Bohannon Estates Barrett Law Project</p>

President Musgrave: We now come to the final resolution Bohannon Estates Barrett Law project. County resolution 12-06-024. I look for a motion to adopt the final resolution, specifically to find that, one, the benefits that will accrue to the property liable to be assessed for the project will equal the estimated cost of the project of \$286,250. Two, the resolution is confirmed without modification and that the project will be completed in accordance with the plans that have been submitted and approved earlier.

Commissioner Nix: Move approval.

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

Commissioner Nix: Aye.

President Musgrave: Aye.

Ted C. Ziemer, Jr.: Will you do a voice vote please?

Commissioner Nix: Yeah, roll call.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And, I vote yes. Show the Bohannon Estates Barrett Law project as approved. I would just like to offer my opinion on your request for the public participation. There are many, many subdivisions of the same type in the county. Many that are yet to be done. Many that have been done in the past. There has been no precedent set to use public money to bring these roads up to standard. I researched that with the County Auditor, and we've also asked for more history, if there was any, from the County Engineer's office. I am not willing at this time to set precedent for future subdivisions to come forward and ask for public participation in the paving of their roads to bring them up to county standard, in order to then put them on the rolls of the roads that the county is then asked to maintain. So, I, for response to your request, I'm afraid I do not support that. Commissioner Nix, do you have any comments?

Andy Easley: Could I—

President Musgrave: Mr. Easley, I'll let you make a comment if it's very short, but the public hearing has been closed.

Andy Easley: I understand. Just one comment. The subdivision was allowed to be recorded years ago, and the developer was not required to pave the streets to county standards. Houses were built, taxes, property taxes have been paid for years, and the residents have paid a lot of motor fuel taxes. Granted, the streets weren't included in the reimbursement to the city, but, I think, it is a fair request, if funds were available to maybe 17 percent participation. Thank you.

Commissioner Nix: Thank you.

Burdette Park: 2007 Pool Rates

President Musgrave: We move now to the Burdette Park 2007 pool rates. Director Steve Craig is here to discuss these rates.

Steve Craig: My name is Steve Craig, and I'm the manager of Burdette Park. I'm asking the Commissioners to approve rates as has been suggested by the Burdette Park advisory board. These rates are for the 2007 aquatic center, miniature golf, the batting cage, the campground, and the day camp, 2008 building rates, and the 2009 Discovery Lodge rates.

Commissioner Nix: And you say these were all approved by the advisory committee?

Steve Craig: Yes, sir.

Commissioner Nix: Okay. If there's no further discussion, I'll move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Discussion of Burkhardt Road Beautification Project

Steve Craig: Okay, and while I'm here, I would like to show a rendition of the Burkhardt Road planting islands. I think you've seen them, I don't where you want me to set them.

President Musgrave: Do you want to set them in front of the, not on the floor, but in front of the podium?

Steve Craig: This is a plan to help make the islands out on Burkhardt Road a lot prettier than they are right now. They're weed infested and have some trash, and there's an opportunity to beautify one of our new roads in Evansville that's become one of the major thoroughfares, and I was wanting permission from the Commissioners to put it out for bid.

President Musgrave: A little background on this project, sometime ago I noticed that there were these large, grass islands in the middle of Burkhardt Road, and on the city side, near the Target store, they were quite well planted. And, on the county side they were neatly trimmed grass, but there wasn't any plantings at all in them. So, I approached engineer John Stoll and Steve Craig from Burdette Park to help me with some suggestions for making this project more beautiful. Even though it's well outside the jurisdiction of Burdette Park, Mr. Craig shares my enthusiasm for all things green, and, I think, you've put some red bushes in there too, but they're quite lovely. We've come up with this design to beautify Burkhardt Road, and we hope that the county can afford to install these and that we could get them going in a couple of years, get them established, and then turn them over to be Adopt-A-Spots. We've had a couple of meetings with Director Ann Ennis at Keep Evansville Beautiful, and she is excited about the possibility, and there's some more details to be worked out with these spots, and then we're also talking about creating some Adopt-A-Spots along the side of the road. So, there is some more work, more discussions to be had, but we hope to make beautiful Burkhardt Road, get some hardy trees and shrubs out there, and have some annuals planted perhaps. But, I'm not going to make Steve Craig dodge traffic again with a flat of petunias.

Steve Craig: Well, Mike Duckworth, he has volunteered to do that work.

President Musgrave: Oh, that's right. I did forget to thank Mike Duckworth. He was on the photography team that dodged traffic.

Commissioner Nix: Which explains why the pictures are taken from such a low shot there.

President Musgrave: But, I do appreciate everyone's time, and I'm over awed by the photographs, which look like they already exist out there. Which leads me, of course, to remember not to trust any photographs that I ever see.

Steve Craig: Yeah, the computer renditions are quite advanced from what we were used to.

President Musgrave: They are.

Steve Craig: That is actually what it's supposed to look like in two years.

President Musgrave: Okay. So, you're here today to seek permission to solicit bids for this?

Steve Craig: Yes, Ma'am.

Commissioner Nix: Do we have a funding source for this?

President Musgrave: We do. It is in the Burkhardt TIF district.

Commissioner Nix: Okay. I'll move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye.

Steve Craig: Thank you very much.

President Musgrave: We look forward to hearing your report. Do you think it will be as soon as next week?

Steve Craig: I think it will probably take me maybe a couple of weeks. I'm going to try to, I'm getting with the architect tomorrow, if I got approval tonight, to put them out. I may be able to get the bids in by next week.

President Musgrave: Okay. Well, we'll just wait for them to come in.

Steve Craig: Okay, thank you.

President Musgrave: Alright, thank you.

Reading of Bids: VC01-2007: Tax Bills
--

President Musgrave: Do you want to read the value of the tax bill bids?

Ted C. Ziemer, Jr.: Sure. We have one bid for the printing of the tax bills, and that bid is from Work Flow One, and the bid amount is \$78,660.

President Musgrave: Is there a motion to take the bid under advisement?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries.

WOW-Sigecom Master Electrician Bond: \$15,000 WOW-Sigecom Franchise Bond: \$25,000

President Musgrave: We move then to the County Commissioners WOW-Sigecom LLC master electrician bond at \$15,000, and also a franchise bond at \$25,000. I understand that these are technical bonds that need to be submitted.

Commissioner Nix: And they are just moved from Sigecom to WOW, is that correct?

President Musgrave: That's right.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Purchasing: Recommendation/Award of Purchase of New Mail Machine

President Musgrave: Purchasing Department, recommendation for the award of purchase of a new mail machine. Ms. Spalding is here to bring us up to date on that.

Debbie Spalding: Good afternoon. We were notified, the city/county Purchasing Department, that we, as far as the end of the year, will be in non-compliance with the U.S. Postal Service meters. Right now we have a letter press type meter, and they are going to digital. You've probably seen this type of seal on postage, and, apparently, the Post Office can tell a lot of information from that, they can determine where the mail came from. Currently ours looks like this, and it's a round circle. We will not be able to use this type of meter reading any longer. We will not be able to get postage using this. So, we're kind of in a hard place. We do need to purchase a new mail machine. We sent out quotes for the mail machine. A lot of companies understood that we were going to be looking for this machine. So, they contacted us. So, we sent them to those four companies, and you received a memo telling you who those companies are. We only received one quote back, that was from Southern Business Machines. This is a joint city/county purchase, so, we are asking you for your permission to buy half of that machine.

President Musgrave: I think you ought to buy a whole machine.

Commissioner Nix: They work a lot better. What, just curious, the cost of half or a whole machine.

Debbie Spalding: The whole machine, the bid that we received was \$15,166. That does include a scale that will allow us to, it automatically weighs the mail and processes it.

Commissioner Nix: That will save quite a bit of money, you can get right down to the penny on the postage then that way, with the scale.

Debbie Spalding: Yes, it allows us to do bulk mailing and receive a reduced rate.

President Musgrave: Okay.

Debbie Spalding: It also, it helps, it will help, we think, on the speed of doing the mail also.

Commissioner Nix: You have a funding source, I'm sure.

Debbie Spalding: Yes. It was budgeted, this has been known it was coming for over a year. The letter that was attached to your memo from the United States Postal Service and neopost telling us that we were in non-compliance at the end of the year, came out in 2005. So, the money was budgeted in 2006, and the money is in an account waiting to be spent.

Commissioner Nix: Move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Debbie Spalding: Thank you.

President Musgrave: They are going to deliver this machine right away?

Debbie Spalding: Yes, they said on their bid 15 days from notice. So, I will call them this afternoon.

President Musgrave: Alright. Thank you.

**YMCA 2007 Membership Agreement
Burdette Park Yellow Pages Contract (AT&T)
County Coroner Memorandum of Understanding
County Highway: Bituminous Paver Contract: Brandeis Machinery**

President Musgrave: Contracts, agreements and leases. We have several contracts, the YMCA 2007 membership agreement. This is an agreement with the Y for employee, a voluntary employee participation. Burdette Park yellow pages advertising contract, it's the standard agreement for Burdette Park to advertise in the yellow pages. We have the County Coroner memorandum of understanding. Is there anyone here from the County Coroner's office? Thank you, because I will have a question about this in just a moment, this is for a grant they're to receive. The County Highway, Brandeis bituminous paver contract, which also needs to be reviewed. If we do these in one motion, I think they can accommodate my question.

Commissioner Nix: Do you want to ask the question first?

President Musgrave: Alright, come on forward. I read the document that was sent over, and I just was, just really didn't know what it was doing. Are we buying new software, new hardware, all of the above, new forms? What's the goal behind all that, I just didn't know?

Vicki Middleton: Actually, there isn't really a goal. It's a grant that the Coroner's training board has secured. It's been offered to all 92 counties. They're giving us free software. If the county has, are small and have not received any type of equipment such as fax machines, laptops, PC's, they are going to provide them with a laptop. So, all we're asking for is someone to sign saying we can have our free software. What it's for is to update all the forms and try to get them standardized throughout the State of Indiana for coroners.

Ted C. Ziemer, Jr.: I understand that Vanderburgh County would not be one of the counties receiving equipment.

Vicki Middleton: Well, now that's possibly changing.

Ted C. Ziemer, Jr.: Okay.

Vicki Middleton: As we have not received any equipment, as of yet, from the county, I've been there seven years and we've not received any equipment, per se, no computers, etcetera, they said there is a possibility of us receiving that.

Ted C. Ziemer, Jr.: Okay, then if they do, under the terms of this document, the county is simply acknowledging that that equipment belongs to the county. There's no problem with that.

Vicki Middleton: Correct.

President Musgrave: Well, it sounds like a fairly wonderful situation where standardizing state forms, that happens often, but it could always happen more, and getting stuff for free. We certainly do want to get on board with that. Do you have any idea when this would come?

Vicki Middleton: I'm not certain. I'm under the impression it will be here early next year.

President Musgrave: Okay.

Vicki Middleton: At the beginning of the year.

President Musgrave: Good. Well, thank you very much for coming over to answer my questions. I tried to reach you all by phone, but I wasn't very successful in that.

Vicki Middleton: Sometimes it's like that.

Madelyn Grayson: Would you please state your name for the record?

Vicki Middleton: My name is Vicki Middleton.

Madelyn Grayson: Thank you.

President Musgrave: Okay.

Commissioner Nix: Move approval.

President Musgrave: And I will second. All those in favor of all the aforeread contracts?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

County Engineer

President Musgrave: Department head reports. Mr. John Stoll, award winner again at the County Commissioners conference he received yet another Engineer of the Year award, bringing his total award haul of the year to three. I think you've won them all now. So, no more free dinners for you.

John Stoll: Thanks. I have two items, first is the plan cover sheet for the Hillside Road reconstruction. Pat Seib brought the notice to bidders here a couple of weeks ago, but the plan cover sheet wasn't available at that point. So, it needs the Commissioners signature. So, I would request your approval of that.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Then the other item is an encroachment agreement for McCutchan Estates Subdivision. This is for McCutchan Place. It's the street that we've been working with the homeowners association for quite some time as far as getting them to bring the road up to the county's requirements, that way we could accept it for maintenance. They have resurfaced the road, they've provided some additional right-of-way dedications, which have since been recorded. Now, we need the encroachment agreement signed that allows their retaining wall and a decorative brick guard house to remain in the right-of-way and several other encroachments. It will allow all those to remain in the right-of-way. Once it's signed by the Commissioners, I'll return it to the homeowners association, so that way it can be recorded. Then, once we get a recorded copy back, then I'll bring a street acceptance request in to finalize this. So, I'm requesting approval of the encroachment agreement this time.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: Congratulations on your award.

John Stoll: Thanks. Very unexpected again.

President Musgrave: Well, well deserved as well.

Commissioner Nix: Yes, very well deserved.

John Stoll: Thanks.

President Musgrave: Is there any other department with a report? I see no one. Mr. Ziemer?

Ted C. Ziemer, Jr.: No.

Board Appointments

President Musgrave: We have some board appointments to reassign. These are the boards that Commissioner Shetler was on before he became Councilman Shetler. So, there are four, Domestic and Sexual Violence.

Commissioner Nix: I would like to nominate you for that.

President Musgrave: Oh, good. Thank you. And, I would like to appoint as my proxy, Councilman Tom Shetler, who under the by-laws is able to continue to do that for us. So, I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. DRCC, which is the Disaster Resistant Community Corporation, I would like to nominate Mr. Bill Nix.

Commissioner Nix: Very familiar with that.

President Musgrave: Okay, so, you're seconding that?

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. The Evansville Commission to End Homelessness, I would like to nominate Councilman Shetler to go ahead and finish out the year. They may not even have another meeting this year. The Economic Development Coalition, which is the last one, Commissioner Nix, I would like you to take over his seat on that. So, that's my motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Commissioner Nix: And we will get Commissioner-elect Tornatta on some of these boards when we get him in office here—

President Musgrave: Right.

Commissioner Nix: —the first week in January.

President Musgrave: We may even think of a few more, but I did not want them to go vacant between now and then.

New Business

President Musgrave: Is there any new business?

Old Business

President Musgrave: Old business? Commissioner Nix, I think you have a report on the—

Commissioner Nix: Yes, we were asked about installing a small wire microwave antenna in the Old Courthouse. It basically conveys a signal to the Old National Bank tower. I had Dennis Au go over and look at it. Marissa Nichoalds has been working with us here. The question, I think the big concern we had was from the standpoint of whether this thing would be seen from the ground. It's in place right now, and it's back away, and I don't think it really causes any kind of problem as far as any aesthetics at all. What I would like to do, we hadn't worked out a lease agreement, I would like to get Mr. Ziemer to, and Marissa's been looking at some rentals that we could possibly look at setting up to rent this space, and maybe not necessarily approve it at today's meeting, but come up with a lease that we could define for a term and the amount, and maybe at a future meeting determine that. But, for right now, the antenna is in place, and it's functional.

President Musgrave: So, your motion is to pursue a lease based on some further research that you're going to do regarding an appropriate monthly price—

Commissioner Nix: That's correct.

President Musgrave: – to allow this? I'll second that motion. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. I have one kind of piece of old business, we had had discussions with the state on perhaps acquiring two pieces of land that they were seeking to divest themselves of, and they have come back with a price. I'm still not sure that I want to approach that price, but I would like to ask the County Attorney to begin drawing up the resolution should we proceed to go to Council to ask their permission to acquire this piece of property. We've looked in to it, Commissioner Nix, I would like you to think this over, they're asking for \$15,000, you know, you could look at that as a fair price. I'm willing to consider that, or a counter offer. Are you willing at this time to say whether or not you think that that's a fair price?

Commissioner Nix: What was the total acreage on that?

President Musgrave: If I remember correctly, and my memory may be faulty, is the Surveyor here? Mr. Jeffers, do you remember the exact acreage on those two pieces of land? Was that 52 acres?

Bill Jeffers: I believe so, but I'm not sure.

President Musgrave: Yeah, so we're both thinking it's around 50 acres.

Commissioner Nix: This could be something that could be utilized as part of a bike path at some time in the future off of the levy?

President Musgrave: Yes.

Commissioner Nix: I think that was the intent all along, I think, was some type of park. I think Mr. Jeffers had a good point too, this could be a trade off for wetlands mitigation, down the road, if we would have a project in town that we would need to do some swapping, this could be a good place for that. So, I think we need to move forward with it.

President Musgrave: Alright. Is your motion then to accept their offer pending Council approval of a resolution for the \$15,000?

Commissioner Nix: So moved.

President Musgrave: Alright, I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. So, we'll look forward to those documents at a later meeting, Mr. Ziemer.

Public Comment

President Musgrave: We have come to the portion of our agenda for public comment. Is there any comment? I see no one.

Consent Items

President Musgrave: We have an extensive list of consent items. Is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. That concludes our agenda. Is there a motion to adjourn?

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 4:10 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (2)	County Council (1)	Coroner (1)
Knight Assessor (2)	Center Assessor (1)	Circuit Court (4)
County Assessor (1)	Prosecutor (1)	Commissioners (1)
County Clerk (1)	Health Department (1)	DADS (1)

Travel Requests:

Health Department (3)	County Engineer (1)	Area Plan (1)
Commissioners (1)	Knight Assessor (1)	

Commissioners:

Barnes & Thornburg Engagement Letters (Lobbying Agreements)
Bernardin Lochmueller Letter: Univ. Pkwy. Ph. I & II: Nov. 2006 Project Update
Letter for Keep Evansville Beautiful (Grant for I-164 & IN 66)
Letter from Insight Regarding Price Changes for 2007.
Evansville ARC: Monthly Report: October 2006.
Kraftwerks: 2006 Financial Statement.
Department Head Meeting Notes: 11/21/06.

County Highway:

County Council Call: Late Transfer.
Employee Letter of Resignation.

Burdette Park: Day Camp Sponsor Letter for 2007.

Auditor:

Financial Statement: November 2006.
Drawdown #10 Knight Township Fire Department CDBG Funds.

Treasurer:

Monthly Report: October 2006.
Year-to-Date Investments: October 2006.

County Engineer: Pay Request No. 10: Burkhardt-Green River TIF Projects.

County Recorder: Surplus Letter: computer monitors.

Sheriff Office:

Surplus Letter: computer equipment.
Letter of Notification of intent to sell unclaimed property at public auction.

Voters Registration: Surplus letter: various computer & electronic items.

Weights & Measures: Monthly Report: 10/15/06-11/15/06.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	Veterans Services

Those in Attendance:

Cheryl Musgrave	Bill Nix	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Maria Nelson	Debbie Spalding	Larry Lutz
Amy Mangold	Kelly Barnett	Clinton Albright
Emma Hagan	Steve Craig	Vicki Middleton
John Stoll	Roger Bass	Andy Easley
Justin Shofstall	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
DECEMBER 12, 2006**

The Vanderburgh County Board of Commissioners met in session this 12th day of December, 2006 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 12, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions to my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner, and we'll go back to my right.

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

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Recognition of Senator Vaneta Becker & Representative Suzanne Crouch

President Musgrave: Before we get started with today's meeting, we have two very important guests with us that I would like to recognize. We have Senator Vaneta Becker, and Representative Suzanne Crouch, former County Commissioner and County Auditor. They joined us today in our department head meeting, along with a couple of other legislators, we had Representative Trent Van Haaften, and Representative Dennis Avery. Also joining us in meeting with the department heads who shared some of their concerns regarding state legislation and some of their ideas, we also had Representatives of the airport. Thank you for taking the time to come. It's a pleasure to see you again. None of our shadows are here today.

Commissioner Nix: Christmas vacation early.

President Musgrave: Yes. So, I don't have them to introduce to you.

Approval of the December 5, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of December 5th?

Commissioner Nix: Move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Motion carries.

**Permission to Open Bids: VC06-12-02:
Burdette/USI Bike Path: Phase One**

President Musgrave: Action items, the first item that we have is the permission to open bids VC06-12-02. Is there a motion to open the bids?

Commissioner Nix: So moved.

President Musgrave: And I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye.

Convention and Visitors Bureau: Report on Holiday Attractions

President Musgrave: While those bids are being opened, I would like to welcome Ms. Marilee Fowler who is here from the Convention and Visitors Bureau. I asked Ms. Fowler to come and tell us what exciting things that our visiting family members, who are coming over the holidays, could find to do in Evansville. For those who are neither traveling, nor having visitors, these are great, fun things that they could do as well. So, Marilee, what have we got going on?

Marilee Fowler: Well, thank you, President Musgrave, for inviting me here today. I'm excited to talk about what there is to do. I always get so angry when people say what is there to do, there's nothing to do. There is so much to do they can't even begin to start. So, let me just touch base on our museums. Of course, we've just opened probably one of the most incredible children's museums, I would say anywhere in the country. Koch Family Children's Museum of Evansville, it's our newest museum, and also the wonderful part is that we've saved this beautiful, old library. So, again, school is out, what a great way to spend time. My grandchildren are coming, we're going to CMOE. The other museums, of course, are the Retiz Home, and it's decorated in such a Victorian theme for the holidays. Their theme this year is celebrations around the globe. So, a great way to experience our history, but also to enjoy the beauty of this Victorian place. Not to be missed is the LST 325, and the opportunity to tour that ship during the holidays. Again, I think, family and friends coming that have a military interest, they're going to be thrilled to see this ship, and what they have to offer. Not to be missed is the Evansville Museum, art, history and science, and, of course, the Koch Planetarium also has a special showing during the Christmas holidays about the lights of that time of year. Also is the transportation center, which children love with all the trains. Also, Angel Mounds, this state historic site has some great exhibits and a great place to enjoy either the interpretation center, or just outside exploring the grounds. The wonderful thing, though, has just evolved. This is called MADE, it's the Museum Alliance of Downtown Evansville. It's a new publication, and it focuses on these four new museums, or, I shouldn't say, they're not all new, but it focuses on these museums downtown and how you can enjoy them all in a day or two. So, I'll share with you all of this new museum, this new brochure. Outdoor experiences are limitless. You can start at Mesker Park Zoo, which is open 365 days a year. So, if the kids are anxious on Christmas day,

and excited and can't wear off that energy, take them to the zoo for the day. What a great way to spend Christmas. Burdette Park should not be missed. What a great place in the wintertime just to walk and enjoy the nature and what's in that beautiful park that we all enjoy, especially in the summertime, but it's just as good in the winter. Wesselman Park and Woods is another great place to enjoy the winter experience, being outdoors, and seeing the animals out there in their native habitat, where you can view them, they can't see you, and you can be in that great interpretive center. Also, on a pretty day, maybe not rainy, but a nice, even crisp day, certainly enjoy a walk on the Greenway. Kids will be getting bicycles for the holidays, what better way to come down, enjoy their bike ride on that particular Greenway experience. Also, the Howell Wetlands, again, an opportunity to see nature in the winter months, and a great place to explore. I don't think a lot of people even know this has been completed. It's 23 acres of marsh lands, see the animals, and the vegetation that would be out there in that particular site. Sports, as you know, we are Hoosiers, and we love our sports. If the weather stays in the 50's, like it's been, I would encourage everybody that's a golfer that's going to get new golf clubs for the holidays, to go out and take in a round of golf. Our public golf courses are open, they're very, very affordable, and what a great way to spend a day during those holiday seasons. Swonder Ice rink is a great place then too for ice skating. I think that's always associated with the Christmas holidays. So, take your family, go out and enjoy ice skating at Swonder. Lamasco skate park, another great place for kids that are going to be getting skate boards for Christmas. This is an enclosed environment for skateboarding. I'm sure there are kids out there, again, 365 days a year. Our weather is mild enough that I'm sure they're going to enjoy even being out there during the holidays. Not to be missed is USI and University of Evansville home basketball games during that week. I would encourage you to come out and support our local teams. On New Year's Eve there is a 4K run and a 2K fitness walk. So, a great way to either walk or run off what we had for Christmas before we get into the New Year's eating and drinking as well. We also have a new disc golf course at Mesker Park. If you haven't tried this, it's played, they look like frisbees, but they have different sizes and different weights depending upon whether you need a driver, or a wood or a putter. It's incredible, and it's a new feature that we have at Mesker Park Zoo. Then, of course, if the weather doesn't cooperate, there's also bowling, and we have some great indoor bowling facilities. So, lots to do out in the sports side, including January 1st when the Harlem Globetrotters will be at Roberts Stadium. So, if we have sports enthusiasts there is just about everything you want to do. Entertainment and nightlife is not something to be missed. Right now the Ritzzy's Fantasy of Lights at Garvin Park is spectacular. You can drive through, walk through, or do a horse drawn carriage ride. What a great way to enjoy the holidays, the lights, especially with your families. Through the 23rd of December is the winter carnival of Christmas lights and displays at the 4-H center. So, that's a good one to do maybe right before Christmas, when again the kids are all excited and we need something to keep them occupied. We've also opened a new area, it's called The District, it's a part of Casino Aztar campus, and it is, again, for all ages. One particular component of that is called Jillian's, billiards, bowling, video arcade games, as well as a sports restaurant, until 9:00 at night it's open to all ages. So, again, a great place to come, bring the kids, bring the family, and enjoy all the things they have to offer. The new IMAX theater, again, I guess, it's not new, we've had it for probably a couple of years, but great movies they have during the holiday season. So, again, another place to enjoy and take advantage of. For the big kids, there is also Casino Aztar with the many things they have down there, with the multitude of restaurants. The big thing is the opening of their new hotel, the Merigo, which will open later this month, which I understand has an incredible New Year's Eve package. So, again, something for all ages. As is many of our hotels will be offering

New Year's Eve packages. So, again, big kids, little kids, all ages, whether you want to just be spectator, or enjoy a lot of the activities, it's all here. One of the things I think is fun to do, especially if you have out of town guests would be an historic walk of downtown; the Old Courthouse, the Evansville Coliseum, the Willard Library, the Old Post Office, the war memorials, we have a multitude of beautiful war memorials, the Four Freedoms Monument and the new Central Library. So, again, if people can't find anything to do in Evansville, they have, they aren't looking hard. With that, what I have today is our website. This has all of the information I've shown, with our website you can go there, find even more information than I can begin to cover in a few minutes, and even more than our visitor guide can have. So, visit our website, www.visitEvansville.com. Great place to get a lot of information. Again, thank you for this opportunity, and I wish you all the very merriest of holidays.

Commissioner Nix: Thank you, Marilee.

Marilee Fowler: You're welcome. I have brochures, if you want them.

President Musgrave: Great, before you leave the microphone, the run/walk that you mentioned on New Year's Eve?

Marilee Fowler: Yes.

President Musgrave: Where is that? How do you get in touch with—

Marilee Fowler: Call our office.

President Musgrave: Call your office.

Marilee Fowler: It starts in the downtown area, and I can't remember specifically where this location is, but it will be New Year's Eve, I think, it's about 2:00 in the afternoon. If they call the Convention and Visitors Bureau, or stop at the Pagoda, for any of this information, or for more information on that run/walk, I can provide that for them.

President Musgrave: What is the number at the—

Marilee Fowler: 812-421-2200, or 800-433-3025.

President Musgrave: Okay, and one other question, what's the best way to find out about all the area hotels New Year's Eve packages?

Marilee Fowler: They can certainly start with calling our office, and we can tell them which ones that we know about. I know that Casino Aztar, the Executive Inn, and I would assume the Holiday Inn, and the airport, the Evansville airport Marriott also have packages. There may be others, and we can certainly find out and direct them to them. But, usually, the full service hotels are the ones that really specialize in that.

President Musgrave: Alright, well, thank you very much for coming.

Marilee Fowler: Thank you.

**Reading of Bids: VC06-12-02:
Burdette Park/USI Bike Path: Phase One**

President Musgrave: If it's alright with you, Commissioner Nix, before we go to contracts agreements and leases, could you read out the bids? I know we have several interested people.

Ted C. Ziemer, Jr.: Yes. This is on the Burdette Park bike path. There are numerous bids from each of the two bidders. Deig Brothers, addendum one to base bid one, \$287,307.95; alternate one to that, \$56,143.96; alternate two, \$33,680.25; alternate three, \$5,250. Then there's there addendum number two to base bid two, and that is, still Deig Brothers, \$485,021.35; alternate one to that is \$80,811.10; alternate two is \$33,680.25; and alternate three is \$41,819. Then Blankenberger Brothers, Inc. bidding on the same items, addendum number one to base bid one is \$266,100; alternate one to that is \$57,147.95; alternate two is \$29,368.17; and there is no bid by Blankenberger Brothers for alternate three. Then for addendum number two, base bid two, still Blankenberger Brothers, \$445,760; alternate one, \$82,247.55; alternate two, \$29,368.17; and there is no bid by Blankenberger Brothers for alternate three.

Commissioner Nix: I move we take the bids under advisement.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Thank you very much for those bids.

**ZSWS Legal Services Contract for 2007
METS Transportation to USI Agreement for 2007
Mulberry Center EAP Agreement for 2007
Evansville ARC Grant Agreement for 2007
Youth Resources Agreement for 2007
Veterans Services Lease Agreement for 2007
County Engineer Lease Agreement for 2007
WNIN Agreement for 2007
Evelyn Davis Contract
County Coroner: IKON Copy Machine Lease Agreement
Perry Township Assessor: Lease Agreement**

President Musgrave: We move now to contracts, agreements and leases. Commissioner Nix, if I could impose upon you to actually read them into the record, I don't see why we couldn't take them in one.

Commissioner Nix: Sure will. This is, I guess, the first one is from Ziemer Stayman Weitzel and Shoulders legal contract, services contract for 2007. It's identical to 2006's contract, except for the date change. The second one is the METS transportation to USI agreement for 2007. This is basically the same agreement as previous, except for a few minor changes which don't affect the substance of the contract. It provides services from USI to surrounding areas throughout the day. The contract price is \$25,000. The third is Mulberry Center EAP agreement for 2007. This is identical lease to agreement from 2006, except for date changes. It provides

for employee assistance at the Mulberry Center. The next one is the Evansville ARC grant agreement for 2007. It's identical to the agreement for 2006. It's a grant of 23,250 paid to ARC quarterly. The next is Youth Resources agreement for 2007. It's identical to the 2006 agreement, except for date changes.

Ted C. Ziemer, Jr.: Excuse me?

Commissioner Nix: Yes, sir.

Ted C. Ziemer, Jr.: For the record, the ARC grant agreement is \$23,250 each month.

Commissioner Nix: Monthly, okay.

Ted C. Ziemer, Jr.: For a total of \$279,000, which is identical to the amount per last year.

Commissioner Nix: Excuse me. The next one is Youth Resources agreement for 2007. It's identical to the 2006 agreement, except for date changes. The next is the Veterans Services lease agreement for 2007. It's identical to the 2006 agreement, except for date changes. The rent will increase for 2008. Do we have that amount for the rent increase in 2008? We do not have that? Okay. The next is for the County Engineer lease agreement for 2007. It's identical to the 2006 agreement, except for date changes. Once again, the rent will increase in 2008. Next is WNIN agreement for 2007. It's identical to the agreement for 2006, except for date changes. It provides for television, I guess, televising of County Commission meetings, excuse me. The next is for an Evelyn Davis contract. This contracts for Evelyn to assist in the Commission office for three days, at the rate of \$12 per hour. We've got one from the county, I guess, we want to go ahead and....I'll make a motion for those then.

President Musgrave: I'll second the motion to approve. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Next is the County Coroner, would you please just go ahead?

Commissioner Nix: Sure, this is an IKON copy machine lease agreement. It was reviewed by the County Attorney. The rate is \$158.93 per month for 60 months, with a \$45 maintenance agreement. I will make a motion that we approve that.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Go ahead and do the next one as well.

Commissioner Nix: The last one is the Perry Township Assessor, this is a lease agreement, it's a two year lease with rent being \$900 a month for the first year, and \$925 for the second year. I make a motion that we approve that.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Permission to Award: VC-01-2007: Tax Bills

President Musgrave: We come now to the permission to award the tax bills. I see Debra Spalding from the Purchasing Department here.

Debbie Spalding: Good afternoon. At the last meeting you will recall we opened the one bid that we received for the tax bill. It was from Work Flow One, and the price that was read at that opening was \$78,660 to print and to mail the tax bills. The printing of 120,000 tax bills was actually the \$41,700. Then the mailing costs at .308 cents a bill came up to \$36,960. So, the total being \$78,660. So, we would ask for your permission to award that.

President Musgrave: I've tried to reach the Treasurer, but have been unsuccessful. She's agreeable to this?

Debbie Spalding: Yes, she reviewed the bid. This is the company that did the bills last year.

Commissioner Nix: Move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Debbie Spalding: Thank you.

President Musgrave: Thank you.

County Engineer

President Musgrave: Department head reports. Mr. Stoll, do you have anything?

John Stoll: I've got a number of street acceptance requests. The first is for Section 2A of Havenwood Meadows Subdivision. This is for 950 feet of Havenwood Meadows Drive, 713 feet of Bernadette Drive, 690 feet of Saint Giles Court, and 118 feet of Gabriel Drive. I would request those streets be accepted for maintenance.

Commissioner Nix: Move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: The next is for Havenwood Meadows, Section 2B. This is 734 feet of Gabriel Drive, 720 feet of Bernadette Drive, and 177 feet of Saint Francis Court.

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next is Section Three of Havenwood Meadows. This is 756 feet of Havenwood Meadows Drive, 505 feet of Raphael Court ¹, 517 feet of Bernadette Drive, and 400 feet of Uriel Court.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next is Section One of Falcon Ridge Estates. This is for 955 feet of Peregrine Drive, 477 feet of Kestrel Court, 477 feet of Aplomado Drive, and 477 feet of Merlin Place.

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next is Cambridge Subdivision. This is 2,958 feet of Cambridge Village Drive, 988 feet of Longmeadow Way, 268 feet of Laynelee Court, 639 feet of Amherst Drive ², 1,578 feet of Haverhill Drive, 978 feet of Braeburn Drive, 1,333 feet of Fenwick Lane, 1,006 feet of Southampton Drive, 451 feet of Raleigh Drive, 361 feet of Cambridge Village Square, 525 feet of Worchester Way, and 314 feet of Beacon Hill.

Commissioner Nix: Move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

¹Correct street name is Raphael Drive.

²Correct street name is Amherst Lane.

John Stoll: The last one is Cambridge Woods Subdivision, Section One. This is 1,171 feet of Ladbroke Drive, 412 feet of Bennington Drive, 974 feet of Harbridge View.

Commissioner Nix: Move approval.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: The last item that I have is a change order on contract VC06-06-02, it was the concrete repair project. The increase is for \$42,715.77, and the increase was for additional patching, crack sealing and stone that was placed in Eastland Estates Subdivision, Green River Estates Subdivision, Oglesby Estates Subdivision, and Old State Subdivision.

Commissioner Nix: Just one question before we move on. Were we able to accomplish pretty well what we needed to do with the concrete patching this year? For the most part? I know there are some areas that we probably couldn't get to, but, overall?

John Stoll: Right, we got, basically we spent all the money that we had available, other than what we've set aside for Hillside, and those bids are opened next week. I know there's additional work we'll have to do out in Old State Subdivision, but for the most part we got the majority of what was on the list for this year.

Commissioner Nix: Good.

John Stoll: There's still plenty more for next year, unfortunately.

Commissioner Nix: Oh, yeah. Thank you. Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. While we're on the subject of patching, whether it be concrete or asphalt, shortly, probably within a month or so we'll set our dates for road hearings. But, people can still go ahead and send suggestions for those repairs. John, which address would you like them to send them to? E-mail?

John Stoll: E-mail, probably mine, lstoll@vanderburghgov.org.

President Musgrave: Okay, so, we'll start accumulating your lists, let us know which patches you want to see done next year out there in the general public, and we'll set our dates for road hearings probably come January.

Commissioner Nix: We do have a link on our website too, I think, for that.

President Musgrave: I think so.

Commissioner Nix: Yeah, I think there's one there.

John Stoll: There's probably one for Mike at the Highway Department too.

Commissioner Nix: Right.

John Stoll: So, we both can compile the lists and see what we have come the time of the road hearings.

President Musgrave: Okay. Alright, thank you.

Commissioner Nix: Thanks.

President Musgrave: Mr. Duckworth, do you have anything? Are there any other department heads? Mr. Ziemer?

County Attorney

Ted C. Ziemer, Jr.: Yeah, I have one other agreement. It's the elderly and handicap transportation services agreement between the county and the Board of Public Works, and that's for METS to provide transportation services for elderly and handicap people in the county. The cost of that contract is \$140,000 for the year, paid at \$11,666.66 per month. That amount has been appropriated by the Vanderburgh County Council. Otherwise, the agreement is identical to the one for last year.

President Musgrave: Has the Board of Public Works already acted upon this? Or do we need to then take it to them?

Ted C. Ziemer, Jr.: This will go to them for signature. But, I have talked to the Director of Transportation Services, and they're in agreement with this, and the amount is satisfactory.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Well, if there's any trouble at all with that board, we are going to send you down there to talk to that director.

Ted C. Ziemer, Jr.: To the Director of Transportation Services?

President Musgrave: And straighten that out.

Ted C. Ziemer, Jr.: That is one person I can talk to.

President Musgrave: Okay, good.

New Business

President Musgrave: Alright, new business is the county credit card ordinance. We received a memo from Auditor Bill Fluty saying that the State Board of Accounts does require each county to have such a credit card ordinance. Would you like to elaborate on this ordinance?

Bill Fluty: I've been working, or, well, I'm working with Ted currently to make this come to, I guess, next week's, is that correct, Ted?

Ted C. Ziemer, Jr.: We're going to, I think, we're trying to gather similar ordinances from two or three counties that I could look at, so I don't have to reinvent the wheel. But, yes, we will have an ordinance to propose for next week.

Bill Fluty: I currently have two, and I'm getting a few others to let you look at.

President Musgrave: Basically, this allows department heads, such as the Sheriff, to use a credit card issued to the county, is that correct?

Bill Fluty: Well, we haven't defined exactly how it will be done, but it will be....if you use a credit card, currently there are situations for travel, and actually for buying over the Internet where you have to have a credit card number. So, this will relieve some of that.

President Musgrave: Alright, well, I look forward to seeing the language. Mr. Ziemer, do we need a motion directing you to do that?

Ted C. Ziemer, Jr.: Well, I'm going to do it anyway.

President Musgrave: Okay.

Old Business

President Musgrave: Is there any old business?

Commissioner Nix: Yes, I have one thing. We were, we had a fella in here a couple of weeks ago from Sitco, Mr. Hermes, and he was wanting to install a small wire apparatus that would communicate between the Old Courthouse and the Old National Bank, the old Old National Bank tower. I don't know what the building's called now, but, and we've talked back and forth a couple of times, and we've looked at some historical data that he's sent us, along with the actual drawing of this thing. It's probably, it's not a very big device. To make a long story short, I would like to offer to him a rental of this space in the Old Courthouse that's up in the bell tower at \$350 a month. With the approval of this today, maybe we could get Mr. Ziemer to get something written up and present to Sitco for their approval.

President Musgrave: Okay, is that a motion?

Commissioner Nix: That is a motion.

Ted C. Ziemer, Jr.: Excuse me, just one question before you vote. You say \$350 a month?

President Musgrave: Yes.

Ted C. Ziemer, Jr.: Okay, they indicate this, they need a key to enter and access to the building 24 hours a day, and they need access to the elevator to the fourth floor, and a key to the breaker panel on the fourth floor. In addition, they will need to have a licensed electrician install a dedicated outlet for power on the fourth floor. They will pay all costs, they just need permission to use the spare breaker in the box. I have no idea whether that kind of access is unusual or—

Commissioner Nix: I'm just wondering, and this is news to me. I haven't seen this part of this yet. So, I cannot believe that if we have to call somebody in, we pay someone to do that, and I don't know that, the tenants have access to the building, the common space and their space 24/7, but space outside that, I think that's something that we need to look at. Because it really isn't considered common space, the bell tower, if you will.

Ted C. Ziemer, Jr.: Well, that would be considered their premises. I mean, other tenants have access to room 301, or 304, or whatever, but, I mention that because in the e-mail they provided me, they listed that as something they want in connection with this.

President Musgrave: Well, as you negotiate that part, I don't see them as renting the entire bell tower, just as having the use of that little bit of the space, because I want to leave the option open for others—

Ted C. Ziemer, Jr.: Sure.

President Musgrave: —too. So, as you write the contract—

Ted C. Ziemer, Jr.: No, that's understood. They're only renting the space where their antenna is located, but I'm going to need direction, I don't know whether you want people in the Courthouse 24 hours a day or not.

Commissioner Nix: Once again, Marissa, correct me if I'm wrong, but if you lease space in the Courthouse, and you want to go into your office at 9:00 at night, you've got a key to the outside door, you can go into the common space to go in your leased space.

Ted C. Ziemer, Jr.: Okay, and would that allow them then to get to the tower?

Marissa Nichoalds: I will have to check. I'm not sure where that is in relation to other spaces in the building.

Ted C. Ziemer, Jr.: Okay, and is there any problem with this dedicated outlet having power.

Commissioner Nix: No, that wouldn't be a problem.

Ted C. Ziemer, Jr.: That's not a problem?

Commissioner Nix: No.

President Musgrave: Because they pay for all electricity.

Commissioner Nix: As long as the power, they provide their own power.

Ted C. Ziemer, Jr.: Okay, thanks.

President Musgrave: So, you made a motion?

Commissioner Nix: Yes.

President Musgrave: And, I was in the process of seconding it. So, I will second it. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Ted C. Ziemer, Jr.: Okay, now that you've voted, I'm going to ask one more question. It won't affect your vote, I'm sure, but you say as long as they pay for the power, we don't have any separate metering or anything up there.

Commissioner Nix: There area is metered.

Ted C. Ziemer, Jr.: That little area?

Commissioner Nix: No, I'm talking about the area where they are feeding this from. They will have to provide a feed from their area. Each tenant pays their own power over there, or their own electric.

Ted C. Ziemer, Jr.: I don't think so.

Commissioner Nix: Oh, they're not metered separately.

Ted C. Ziemer, Jr.: Uh-uh.

Commissioner Nix: I thought they were. Okay. We need to look at that.

Ted C. Ziemer, Jr.: Okay, so, you may be able to get back to me on that?

Commissioner Nix: Yeah, I'll check into that.

Ted C. Ziemer, Jr.: Okay, thank you.

Public Comment

President Musgrave: Okay, is there any public comment? I see no one with public comment.

Consent Items

President Musgrave: There's a list of consent items. Is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. With there being no other business, is there a motion to adjourn?

Commissioner Nix: So moved.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: The motion carries. We move now to drainage board.

(The meeting was adjourned at 4:02 p.m.)

CONSENT ITEMS:

Employment Changes:

County Commissioners (1)	Sheriff Office (2)	Circuit Court (1)
--------------------------	--------------------	-------------------

Travel Requests:

Health Department (1)	Area Plan (1)	Perry Assessor (1)
-----------------------	---------------	--------------------

Commissioners:

University Parkway Phases II and III December Project Update.
Drawdown No. 11 for Knight Township Fire Department CDBG Funds.
Fire Department : Use of Centre: Waiver of Fees not Overtime.
Department Head Report Meeting Notes: December 5, 2006.

County Engineer: Pay Request No. 11: Burkhardt-Green River TIF Projects.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officers	Supt. Of Bldgs.	Veterans Services

Those in Attendance:

Cheryl Musgrave	Bill Nix	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Vaneta Becker
Suzanne Crouch	Marilee Fowler	Debbie Spalding
John Stoll	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
DECEMBER 19, 2006**

The Vanderburgh County Board of Commissioners met in session this 19th day of December, 2006 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 19, 2006 meeting of the Board of Commissioners of Vanderburgh County. We will begin with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Jessalyn Julian: Jessalyn Julian, Central High School.

President Musgrave: Cheryl Musgrave, County Commissioner.

Maria Nelson: Maria Nelson, Mater Dei High School.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the December 12, 2006 Commission Meeting Minutes

President Musgrave: Is there a motion to approve the minutes of December 12th?

Commissioner Nix: So moved.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries.

Permission to Open Bids: VC06-12-01: Hillside Rd Reconstruction Project

President Musgrave: We have two bids to open, one of which meets the requirements, is there a motion to open VC06-12-01, Hillside Drive reconstruction?

Commissioner Nix: So moved.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. I'm going to delay the Burkhardt Road beautification project, just as we go on and do a couple of other things. If I forget about that, would you remind me please to come back.

Madelyn Grayson: Sure.

Resolution CO.R-12-06-026: Honoring Jim Price

President Musgrave: But, first on our action item agenda is resolution 12-06-026 honoring Jim Price, Knight Township Trustee, as he leaves office this year. Commission Nix has a resolution to honor you. If you would please come forward, Mr. Price.

Commissioner Nix: Good afternoon, Mr. Price.

Jim Price: Good afternoon.

Commissioner Nix: Just come to the podium there. This is a resolution of the Vanderburgh County Board of Commissioners, December 19, 2006:

"Whereas, James R. "Jim" Price has given more than three decades of his life in service to the Vanderburgh County community as a public officeholder; and, Whereas, Jim Price represented the First Ward of the City of Evansville well and with distinction from 1973 till 1994 on the Evansville City Council; and, Whereas, Jim Price was instrumental on the committee which negotiated the contract with Casino Aztar to the benefit of the City of Evansville and its citizens; and, Whereas, Jim Price has served the people of Knight Township from 1994 to 2006 as Knight Township Trustee, doing his best to help those who need it; and, Whereas, when the November 6, 2005 tornado struck Knight Township causing death and tragedy to many, Jim Price acted above and beyond the call of duty, helping dozens of stricken families in their hour of need, not least by coordinating the Vanderburgh County Knight Township Tornado Relief Fund; and, Whereas, for his entire time of service to the community, Jim Price has always acted as a gentleman, treating everyone equally and with courtesy, regardless of party or condition; and, Whereas, Jim Price has been involved with community organizations for many years, including SWIRCA, Cape, the Evansville Rescue Mission, and the Welborn Baptist Club; Therefore, be it resolved that tomorrow, December 20th is proclaimed "Jim Price Day" in Vanderburgh County in honor of this dedicated public servant, and the community is called upon to observe this occasion with appropriate activities. This is entered into the public record by order of the Vanderburgh County Board of Commissioners this 19th day of December, 2006."

Congratulations.

Jim Price: Well, thank you very, very much. As my tenure of elective office is winding down, this is a very nice gesture. I appreciate it very much. I'd also, while I'm speaking publicly here, I would like to thank the public themselves for allowing

me to have this experience, and thank all of you up there, as back here, that I've had the opportunity to work with over the years for the betterment of the city. So, thanks a lot and Merry Christmas and good luck to all of you.

Commissioner Nix: Thank you, Jim.

President Musgrave: And everybody should call you tomorrow and say, Happy Jim Price Day, I think.

Jim Price: Thank you.

President Musgrave: So, I will second your motion for the resolution. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Thank you for coming, Mr. Price. If you'll want to hold on here, we can give it to you.

Unidentified: Mr. Price?

Jim Price: What?

President Musgrave: You can take it with you.

Jim Price: I've got to quit buying these at the Dollar Store.

Commissioner Nix: What did you say?

President Musgrave: Thank you, Jim.

Commissioner Nix: Thank you, Jim.

Report on Bid Opening: VC06-12-01: Hillside Dr. Reconstruction

President Musgrave: Alright, we move now to, unless you have a bid opening report?

Ted C. Ziemer, Jr.: I do.

President Musgrave: Go ahead.

Ted C. Ziemer, Jr.: For Hillside Road reconstruction we had four bids. Blankenberger Brothers, \$83,795. Koberstein, \$92,664. J.H. Rudolph, \$79,319. Deig Brothers, \$98,410.47.

Commissioner Nix: I move we take the bids under advisement.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Alright, thank you for that.

Camille Fife: Ohio River Scenic Byway Committee

President Musgrave: And, not on our agenda today, it was on an earlier draft, but we didn't think you were going to be able to make it, is it Camille Fife?

Camille Fife: Yes.

President Musgrave: There you are. Please come forward.

Camille Fife: Thank you.

President Musgrave: You're with the Ohio River Scenic Byways Committee, and please come and tell the Commission what it is that you have.

Camille Fife: Yes, thank you. I'm preparing 69, let me put it this way, 69 interpretive panels that have been, we've been working on with the Ohio River Scenic Route, Inc., which is the Indiana portion of the Ohio River Scenic Byway. They are part of the master interpretation plan that all three states have adopted a number of years ago. I'm pleased to say that Indiana has taken the lead in developing this really broad, comprehensive interpretation. I'm here before you today because we have been discussing seven of them, six of which are going into the City of Evansville, and one which will come on to county property. We are asking the Commissioners if they would approve, as the property owners, the placement of this panel. The panel, and I'm going to pass this around, because I don't know if you have seen it. This is the graphic design. We had focus sessions about two years ago with people to talk about subject matter, and one of the most important subjects that they felt that should be discussed in these for visitors is the County Courthouse, but also the canal. Because the Courthouse happens to sit on a former maneuvering bay of the Wabash and Erie Canal. So, this is the one place where we felt that story could be told. We are asking to place the panel in the small concrete area, and I have aerials, I'm going to give these out. The idea behind these panels is that they are site specific. If I could talk about the program in this way, I would say it's probably like a treasure hunt for national and international visitors who wish to do the Byway. There will be a brochure, and people will come and look for these panels as a way to introduce themselves. We understand that there is some textual overlap between things like the Indiana Historical Bureau signs, but if you think of these as a sort of flag that a visitor can look for, and, therefore explore the treasure that is here in Evansville and all across our beautiful state. We have to go forward with a 106 review, and, so, I am asking this permission to place this sign on the sidewalk for an extra special reason, on concrete as versus on the ground. That's because since this is a former archeological site, we are hoping to avoid, even though we're only going two post holes, we are hoping to avoid having to do archeology. That could be very difficult. If you have questions, we are using a cantilevered type of stand. This is an anodized, a painted and baked on, actually, aluminum for the stand. It's a typical type of a stand that's used by the National Park Service. So, it will be sturdy. It is their same standard. We are using a panel material, which is an embedded fiberglass, so that there is as little amount of potential damage that can happen to it as is possible. Again, a typical standard. If you want, do you want me to pass this around?

President Musgrave: That would be fine.

Camille Fife: So, that is our request. That is more or less our program in a nutshell, and if you have questions, I would love to answer them. Yes, sir?

Ted C. Ziemer, Jr.: I just, I can't tell from this drawing exactly where you intend to put it.

Camille Fife: Oh, okay. She's going to show you, or I can. There are four corners, and the one corner that has a pretty good little concrete opening, has also got that marker from World War I.

Ted C. Ziemer, Jr.: Okay.

Camille Fife: In that same place. We'll put it next to it, but far enough back off the sidewalk so people can visit. Part of our criteria for decision about a site has to do with safety of a car, having a place to park, and there is parking rather close to that area; being away and back off a sidewalk so that they can see. The cantilever means that the sign can hang over the low stone abutment there and not intrude too far even into that space.

Ted C. Ziemer, Jr.: The reason I ask that—

Camille Fife: Sure.

Ted C. Ziemer, Jr.: —how tall will it be?

Camille Fife: The signs are cantilevered, and they start at about 32 inches, go up a couple of more inches.

Ted C. Ziemer, Jr.: So, it's not going to—

Camille Fife: It's a two foot by three foot panel.

Ted C. Ziemer, Jr.: It won't affect site view on either street?

Camille Fife: No.

Ted C. Ziemer, Jr.: Okay.

Camille Fife: That's correct. It won't affect your site line, these are, you know, about, well, about this size I would say. You know, waist high, and so a car can turn. It's a rather, hopefully, unintrusive.

President Musgrave: From this meeting they also have to go forward to Safety Board and get Safety Board's permission. So, our permission is not their final stop.

Camille Fife: Not at all. We've been through quite a few stops in Evansville. You have many layers, which is good. But, we will also have a representative, it will not be me, but, Dennis Au, I think, will be appealing on the 21st for the Courthouse. What we would like to ask you to do is to give us preliminary approval based, or contingent upon the approval of the other entities that are required here, so that we can continue to move forward.

President Musgrave: And, this is at no cost to the county? It's been provided?

Camille Fife: Right. Yes, my colleague wasn't able to make it here today, Marilee. Marilee Fowler is your representative for the Convention and Visitors Bureau, and it's my understanding that she has raised the match money. This program is supported by an enhancement grant from the INDOT Transportation Enhancement money, and they've been raising their money over a couple of years now to try to match it.

President Musgrave: The one thing that I would ask Dennis Au to do, and he's probably aware of this, but in case he isn't, I know that there is a, there are some plans, I guess you could call them plans, but the war marker that is at that site—

Camille Fife: Yes.

President Musgrave: —where you'll be placing this next to, I know that there is some concept that all of those markers will be moved to the riverfront someday.

Camille Fife: That could be.

President Musgrave: Maybe perhaps not too far in the distant future, and that placement of your sign might want to take that into consideration.

Camille Fife: That's a good suggestion. I have heard that thought. I knew it was going to be moved. I wasn't sure where. We do have, and have gone through meetings with the Greenway people.

President Musgrave: Okay.

Camille Fife: With the Parks people, they have given their contingent approval for this. I believe that actually with their approval, and not for that particular sign, but for signs that are on the—

President Musgrave: The Greenway?

Camille Fife: —the Greenway.

President Musgrave: Okay.

Camille Fife: And, there are two which come within those spheres. I think, probably what we would want to do is have this sign retain its position, primarily because the idea is that we're talking, when we talk about the Courthouse and we talk about the Canal, we are in the actual spot where those things exist or have happened.

Ted C. Ziemer, Jr.: I just wonder though—

Camille Fife: Yes.

Ted C. Ziemer, Jr.: —like the concrete or the granite marker that sits there is kind of in the middle—

Camille Fife: Yes.

Ted C. Ziemer, Jr.: —and you would be to the side of it.

Camille Fife: Yes.

Ted C. Ziemer, Jr.: If that gets moved, would your sign be, I mean, maybe you wouldn't want to, move it to the center where that one was, does that make a difference?

Camille Fife: Well, I don't know that you necessarily need to move it, but, keep in mind whenever, and I probably should have shown you, I thought you had them, the attachment of the panels. When we attach a panel to a concrete base, there is a bracket, and, at this point, any of these that are going on that type of base will also, INDOT regulations, have what's called a breakaway. So, if there is a car that happens to decide it wants to drive onto the lawn of the Courthouse right in front of our sign, it will break the sign instead of the car. I suppose that's an advantage, but that's how we're doing it for INDOT. The point is that it's a bracket, so, relocating it isn't exactly like having to dig up concrete.

Commissioner Nix: And, we meet Thursday, the Foundation.

Camille Fife: I believe the meeting is Thursday the 21st at 10:30.

Marissa Nichoalds: 11:30.

Commissioner Nix: 11:30, yeah.

Camille Fife: 11:30?

Commissioner Nix: So, we can talk about this.

Camille Fife: And, Dennis has said that he felt that he could attend that on my behalf. I do have about a three hour drive to get here, so, I appreciate folks stepping in from the local area.

President Musgrave: Is there a motion?

Commissioner Nix: Yeah, so moved.

President Musgrave: And, I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Thank you for the informative presentation. Do you need any of these documents back?

Camille Fife: I will, yes.

President Musgrave: I'm going to pass them down this way.

Camille Fife: Thank you very much. Again, to all of you, thank you for placing me on the agenda. I appreciate it.

President Musgrave: Thank you, Ms. Fife.

Burkhardt Road Beautification Project Bids

President Musgrave: We'll go back now to the Burkhardt Road beautification project. Is, Mr. Stoll, do you want to do that, or Mr. Craig? Mr. Craig, please come forward. This is the bids for the work to be done there. Mr. Craig? Thank you for your work on this project.

Steve Craig: Thank you. My name is Steve Craig, and I'm the Manager of Burdette Park. I'm asking for permission, we have solicited for bid on the actual work and the materials of this job, and I have the bids before me. Would you want all of the bids, or do you just want the lowest one? Okay, the title of this work is the Burkhardt Road Planning, the first bid was for the dirt work, and the low bid on that was Eagleson Landscaping, and the second bid on that was for the planting, and that was also Eagleson Landscaping.

Ted C. Ziemer, Jr.: Are you going to read the amounts into the record?

President Musgrave: Read the amounts, Steve.

Steve Craig: Oh, for the dirt work it was \$2,200, and for the planting of the materials it was \$5,800. Shourd's Nursery, this was for part of the trees, it was the chameacyparis nootkatensis pendula 21, their price for them was \$2,016. The next was the mulch that is going to be needed on the project, and Simply Mulch was the lowest on that, it was \$1,924. For the premium river bottom top soil was Floyd Staub, and the amount for the dirt was \$7,800.

President Musgrave: Is there a motion to award the bids?

Commissioner Nix: Move approval.

Steve Craig: I have one more.

President Musgrave: Oh, that was a premature motion there.

Steve Craig: For the plants, which included all the plants, there was one addendum with that. We had to send an addendum out, we had a made a change on the blueprints, and that was with an addendum of 94 two to three gallon Gro-Low Sumac rhus aromatic. Low bid on that was also Shourd's Nursery, and that was \$8,427.50. That's it.

Commissioner Nix: Move approval.

President Musgrave: I will second. I can hardly wait to see what the minutes say.

Madelyn Grayson: Can you provide me with the spelling of those words you just pronounced?

Steve Craig: I do have them. That's the only reason I can pronounce them.

Commissioner Nix: He spent all day working on that, I'm sure.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The motion carries. Once again, thank you.

Commissioner Nix: Thanks, Steve.

President Musgrave: Do you know about when they'll be having this? Please say after Christmas Day.

Steve Craig: If the weather stays like it is, they are going to get on it right away. They would rather get them out, the earlier the better. So, if the weather doesn't turn north on us, then we'll be fine, but we'll do it as the weather permits.

President Musgrave: And, once again, the planting and the dirt work will be done from midnight to 6:00 a.m.

Steve Craig: Yes, Ma'am.

President Musgrave: That's to keep out of the holiday shoppers way, as Burkhardt Road is probably one of our very busiest roads there, which is why we're doing this project.

Steve Craig: Yes.

President Musgrave: Thank you.

Commissioner Nix: Thanks, Steve.

Steve Craig: Thank you

<p>First Reading of Ordinance CO.12-06-021: Ordinance Amending Chapters 17.08.030 & 17.24.080 A4 (Zoning Code)</p>

President Musgrave: Next we have CO.12-06-021, amendment to the zoning code. This is the first reading. I know Mr. Mills is here, would you like to present? Or Mr. Blaine Oliver is here from the Area Plan Commission. If you would like to come forward and describe what this amendment to the zoning code is, and then we'll call for public comment.

Blaine Oliver: Sure. Good afternoon. I'm Blaine Oliver, I'm the Assistant Director of the Area Plan Commission. As Cheryl mentioned, we have a proposed ordinance that's been filed in both the city and the county, and it was approved unanimously on December the 14th by the Area Plan Commission. They are recommending your approval for this ordinance. But, it's basically very simple, we noticed a problem at one of our recently developed multi-family complexes, a parking problem. There was severe deficiency in parking, and we researched why that happened, and, basically it was because they were renting by bedroom and not the overall unit. I believe on that particular site they had built all four bedroom units, and they were renting each one individually, so they ended up with four cars for each unit. Our parking requirement, as it now stands, in the zoning ordinance, for multi-family units with two or more bedrooms is two units, or two spaces, excuse me, per unit, plus some visitor parking, one space for every three units. So, basically, 2.3 spaces per unit at that number of bedrooms. So, you could see why we had a problem there.

So, to address that we looked, we worked with the committee, a sub-committee of Area Plan Commission members. They asked us to look at it, because they recognized the problem as well, and we came up with some alternatives, and, basically, we chose what is before you today as the best way to address this. What the ordinance basically does is it establishes a new parking requirement where the leasing arrangement is to lease by bedroom, instead of the overall unit. Where you have that situation we have also included a new definition in the ordinance of a "bedroom unit". So, that's basically the two changes in there. The new parking requirement for a bedroom unit is one space per bedroom unit. Then, plus the visitors parking, that did not change, it stays at one space per three units. So, that would ensure that there would be more than four parking spaces built in the situation that we noticed that had occurred here recently. So, hopefully, it would keep that from happening again. I don't really know that there's anything more that I can say. If you have any questions, I would be glad to answer them.

Commissioner Nix: I guess, just typically, we are seeing very few four bedroom apartments, per se, in the county. Most of them are one, two or three bedroom units, is that correct?

Blaine Oliver: That's correct.

Commissioner Nix: So, this addressed the situation for student housing, if you will then?

Blaine Oliver: Right, right. You may find some complexes that have some small percentage of four bedroom units, but normally, you know, the ones I've checked with, the complex managers have indicated that they have a split of, their tenants are split about one third students, one third working families, and one third retirees. So, you have a mixture there and a lot of those people don't have four cars. But, where you're leasing them out individually, you have pretty much, in that situation, you're always going to have four cars per unit.

President Musgrave: Alright, thank you. Is there any member of the public who wishes to address this ordinance as proposed? I see no one. So, we can call for a roll call vote, or first reading.

Commissioner Nix: Move approval of the first reading.

President Musgrave: And, I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Roll call, Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And, I vote yes. So, it passes on first reading. We will hear it for second reading on January 2nd.

Blaine Oliver: Okay, when you hear it for that reading, I did notice that there is a typo in the definition of "apartment dwelling unit".

President Musgrave: Okay, so we'll hear an amended—

Blaine Oliver: Hopefully, that will be taken care of.

President Musgrave: Will you be back with us then at that time?

Blaine Oliver: Yes.

President Musgrave: Alright.

Ted C. Ziemer, Jr.: Blaine, tell me, where's this typo you're talking about?

Blaine Oliver: The typo is the word "dwelling" under the "apartment dwelling unit" definition. The way it reads now is "swellings". It's obviously supposed to be dwelling.

Ted C. Ziemer, Jr.: Are you looking at the one that Joe prepared?

Blaine Oliver: I'm not sure who prepared it.

Ted C. Ziemer, Jr.: Here, can you bring that to me?

Blaine Oliver: Sure.

Ted C. Ziemer, Jr.: I just want to be sure about this before we, I'm not seeing it here on mine. Mine says dwelling. Okay, thank you.

President Musgrave: We will hold for a moment while we change the tape.

Tape Change

Dave Rector - Capital Improvement Projects at The Centre

President Musgrave: Next on our agenda is Mr. Rector, capital improvement projects at The Centre. You have an update on the capital improvement projects that we're working on and that you might want our approval for.

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. Hopefully earlier this afternoon you got the proposed list of Centre CIP projects. Darren Stearns with SMG is also here if you have any questions. Some time ago Commissioner Musgrave requested that we start developing a five year plan for our capital improvement projects. We've been working with her and SMG to do that. You have before you, if you brought it in, a good start to that. We don't have some of the costs on all of the items and we don't have some of the projected years on all of them, but because this is your last meeting this year, I wanted to get to you what we had at this point for 2007, so hopefully, with your approval, we can get started immediately after the first of the year. I'm here for any questions you might have.

President Musgrave: I know that we sat down and went over this and there is a lot to do, not only on a long term basis, but on a daily maintenance basis and I have been taking some walk throughs and hope to do that again soon and maybe see some changes to the carpeting over there.

Dave Rector: That is one of the items on this list is changing the carpet over the next two years over throughout the complex and hopefully, you noticed that this year, with your approvals, we've made some good improvements in the signage up on the outside of the building, the interior...our meeting notification system is up and going. I think it is really coming about.

President Musgrave: Do you have a motion?

Commissioner Nix: And the motion would be for....?

Dave Rector: Approval. Current approval for 2007. I have to be honest, we will come back with some amendments to this as we get further pricing in.

Commissioner Nix: I move as a submitted, I guess.

Dave Rector: Okay.

President Musgrave: And I will second. Also those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Dave Rector: Thank you, Commissioners.

President Musgrave: And I would like to publicly thank Mr. Stearns. He and I had several meetings, emails and phone calls regarding the signage and I've had several emails from the public and comments as well saying how nice it looks and how much easier it is to identify the building, but I won't put you on the spot and ask you how the street signs are coming because I know we're still working on the street signs. Oh, you want to come forward? Great. These signs will direct people on the street to go to The Centre.

Darren Stearns: Darren Stearns, Assistant General Manager of SMG. Actually, yesterday the signs for the Lloyd were supposed to go up, but the weather was bad. So I guess from the wet weather with the traffic they didn't want to do it, but they're supposed to have it up by the end of the week so I did want to give you an update on those. The signs at the Lloyd will be up before the end of the week. They are temporary. They're going to make some nicer signs to put up at the first of the year, but since they promised us they would have those up by the end of the year they are going to get something up for those. And we are still working on the trail blazing signs.

Commissioner Nix: Is this something the state is doing for us?

Darren Stearns: Yes.

President Musgrave: Something that INDOT is doing.

Commissioner Nix: Okay, they were out today.

Darren Stearns: Were they?

Commissioner Nix: Yeah, up on the, I guess, eastbound just east of 41.

Darren Stearns: Yes, uh-huh. Yep, good.

President Musgrave: They should be on the westbound, too.

Commissioner Nix: Excuse, excuse—

Darren Stearns: Yeah, they're on the east and west.

Commissioner Nix: --westbound is where I saw them.

Darren Stearns: Yeah, they're going to be east and west there at the exits and then with the trail blazing signs we're working on now will lead us once they get down there to off that exit. So thank you very much for your help with and we love the signs. We're looking forward to being done with the white billboards for all your meetings when you come over to the building and we've almost got that done. We've got one more conference call to get that set up and we're getting calls about the signs out front already too, so we appreciate your help with that. Thank you.

President Musgrave: Alright, thank you, Darren.

**JE Shekell Maintenance Agreement: Old Courthouse
Curran Miller Auction Agreement
Sitco Lease: Antenna at Old Courthouse
Beam Longest & Neff Contract for Bridge Management Program
County Clerk: Xerox Maintenance Agreement
Scott Township Assessor Lease Agreement
Agreement with Becky Kasha for Legal Services to PTABOA**

President Musgrave: Okay, moving to contracts, agreements and leases we have several for the Commissioners. The JE Shekell maintenance agreement which is identical to 2006. It's at the Old Courthouse. Unless you want to read these this time?

Commissioner Nix: That's fine, I can. This is actually a little bit different. We had a biannual, semiannual agreement last year and I think it would be better if we do these three times a year instead of two just for maintenance purposes. This is for JE Shekell and I move approval on this.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. The next one, Curran Miller Auction agreement.

Commissioner Nix: Yeah, this one there is an agreement with Curran Miller to auction off surplus property seized by the Sheriff's Department as well as other county surplus. Curran Miller will receive a portion of the proceeds and I guess we're going to use our own labor on this. We have not heard back from Curran Miller on that yet, so—

Ted Ziemer: Excuse me, yes, I have talked to Curran...to Hugh. We're just leaving it say that it will be \$15 an hour for their personnel. If they don't use their personnel there won't be any charge. So if we have our people there they won't need theirs.

Commissioner Nix: I'll move approval of that.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Commissioner Nix: The next one has been on here for I guess the last few meetings. This is a lease with Sitco for a communications antenna from the Old Courthouse to the...I think it goes over to the old Old National Building, and we've worked out a lease for \$350 a month for the space up there. It's a three year lease. I move approval...or I move that we approve that.

President Musgrave: And I will second, and thank you for the amount of time that it took to get that going.

Commissioner Nix: For a little bitty antenna.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Commissioner Nix: The next is a contract with Beam, Longest and Neff for bridge management program and it apparently, according to the attorney, meets all the standard language for agreements of this type. Is that correct?

Ted Ziemer: Yes it is.

Commissioner Nix: And I move approval of that.

President Musgrave: And I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Commissioner Nix: The next one is with the County Clerk for a Xerox maintenance agreement. The agreement is for one year at a price of, I guess, .0129 cents per copy and I would move approval of that.

President Musgrave: I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Commissioner Nix: The next is the Scott Township Assessor lease. The lease is for space in the Scott Township Volunteer Fire Department and it is for \$800 a month. It has been reviewed by Bob Harris and I move approval that we...or I move that we approve this.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

Commissioner Nix: The last one here is an agreement with Rebecca Kasha for legal services to the PTABOA. I guess it's similar to the other agreements we have with legal services. This appoints Becky to the PTABOA attorney and pays the same rate for services as the County Attorney. I move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

County Engineer

President Musgrave: Alright, we move now to the department head reports. Mr. Stoll, County Engineer. I understand you have some street acceptance and change orders and so forth.

John Stoll: The first item I have is a street acceptance request for McCutchan Place in McCutchan Estates Subdivision. This is the street that we've had several different things as far as right-of-way dedications and encroachment agreements. All the paperwork has been finalized now so I would request that the street be accepted for maintenance.

Commissioner Nix: Move approval.

President Musgrave: I'll second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

John Stoll: Next I would like to request award of the Burdette Park/USI bike path to Blankenberger Brothers, Inc. for the amount \$416,391.83. This would be for what was bid out as base bid two, plus alternate bid number two which basically is providing the longer of the two bike paths minus some of the retaining walls.

Commissioner Nix: So moved.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Mr. Stoll, when will construction begin on that?

John Stoll: I haven't talked to the contractor, so I'm not really sure.

President Musgrave: Okay, let us know when you do find out.

John Stoll: Sure. The next items I have are three change orders for Mt. Pleasant Road. The change order is for \$29,420.83, \$8,970.00 and \$17,936.98 for a total of \$56,327.81. These change orders were for water line relocations, concrete driveways, sod, inlet adjustments, seed and fertilizer. And out of all those amounts we will be requesting reimbursement of the \$29,420 amount from the Water Department since it was a relocation within county right-of-way.

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

John Stoll: Next I have a set of street plans for Stonegate Estates. This is located off of Browning Road adjacent to Schlensker Ditch. We have reviewed the plans and the consultant has made the changes we had requested so I would recommend approval of the plans.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

John Stoll: Next I have a notice to bidders for the Bohannon Estates Barrett law project. This is basically a follow-up to the Barrett law hearings that we had a couple of weeks ago. There were no remonstrators that I'm aware of so the project can proceed. I spoke with the County Attorney about this. The bids would be opened on January 16, 2007.

Commissioner Nix: John, I was just curious. Are there some parameters on the start date and completion on that? I looked that over, but I didn't see that in there.

John Stoll: We have the completion date. It's in the contract specs. I can't remember if it was the start of July or the end July.

Commissioner Nix: Okay.

John Stoll: I can't remember if we allowed the contractor a set amount of time to do the project. Some projects we'll say you have eight weeks and we'll give them a window of time of four months to do or something like that. I can't...I don't think we set that one up this way. I think we just said July completion.

Commissioner Nix: Okay. I move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

John Stoll: The last item I have is a consent agenda item that came up late. We've got pay request number 13 for the TIF Fund. This is for \$2,010.75 and it was for bills for Warrick County Co-op and for Richard Mitchell and I just request that those be added to the consent agenda.

President Musgrave: Alright, we will so amend it when we get to that point. Make sure that I don't forget that.

John Stoll: That's all I have.

President Musgrave: Alright, thank you very much.

Commissioner Nix: Thanks, John.

Board Appointments

President Musgrave: So we already awarded VC-06-12-02 the Burdette Park Bike trail and we've already discussed the Burdette Road beautification project, so we move now to board appointments. EMA, it has been suggested that we appoint Sheriff Eric Williams, Keith Kahre and Tom Barrett.

Commissioner Nix: Move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries.

New Business

President Musgrave: Is there any new business?

Ted Ziemer: I have one other agreement. It's the contract with American Medical Response which we've been negotiating for some time. The contract would be for four years. It increases the amount of total reimbursement that the county might provide based on their losses from the prior amount to a slightly larger sum from \$197,000 to \$202,516. It contains some other, I call, minor changes. One change that I did want to specifically point out to you is that the contract provides, that if the AMR should be unable negotiate a contract with the city of Evansville at any particular time during which this contract is in effect, then this contract would terminate. The reason for that, I'm told by AMR, is that if they only represented the county and the city or the city and not the county they would be unable financially to provide this service. Their contract with the city will expire in September of 2007.

So if AMR were unable to successfully negotiate a contract with the city of Evansville running forward from September of 2007 this contract would terminate in September of 2007.

President Musgrave: And we would get 30 days notice of that?

Ted Ziemer: No, it would just be that it is terminated at that time, but we're going to know about the negotiations with the city so we'll have plenty of notice before that would occur.

Commissioner Nix: I guess the other question, does this parallel the city's contract then? I mean, the language?

Ted Ziemer: You know, I've never seen the city contract. This parallels the contract that we have had...that the county has had with AMR for a number of years. I haven't looked at the city contract.

Commissioner Nix: Alright.

President Musgrave: I would just ask that should we become aware during the city's negotiations that it might get rocky or that our contract might need to be adjusted that we be agreeable to sitting down and at least talking with them because I don't want to have any skips.

Ted Ziemer: I'm told, of course, no one can guarantee anything, but I'm told by AMR that it is their understanding that there are no significant problems in the administration of their current contract and they would fully anticipate a contract renewal for probably a five year term in September of 2007.

President Musgrave: And the appropriation is in place to pay this contract?

Ted Ziemer: The appropriation is in place to pay the increased amount, yes.

President Musgrave: Is there a motion to approve?

Commissioner Nix: Move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries. Any other new business?

Old Business

President Musgrave: Old business? We have the Smoke Free Communities informational packet. Ms. Nichoalds, do you want to explain?

Marissa Nichoalds: Sure. It is an informational...excuse me. The Health Department along with Smoke Free Communities, Johnny Kincaid, has provided the Commissioners Office, the Health Department and any other offices that would like these packets. They're a folder. I believe there is actually one on your desk.

It contains some free window clings that meet the signage requirements passed by the county's ordinance as well as some frequently asked questions and answer and information on where to locate the county's website to answer any other questions residents or businesses may have concerning the smoking ordinance.

President Musgrave: Those are available. There are several, a couple of boxes full of those here in the Commission Office and the Health Department has a number of them. I know you were going to try to give some to the Clerk's.

Marrisa Nichoalds: Correct.

President Musgrave: Okay, alright thank you.

Public Comment

President Musgrave: We've moved now to the point on our agenda where we call for public comment. Is there any comment from the public about a matter under the Commissioner's agenda? I see elected official Mr. Jeffers, come forward.

Bill Jeffers: I'm not speaking to you at this time as an elected official. I'm speaking to the smoking ordinance, if I may briefly. The Health Department was in our office earlier today getting some maps delineating the city/county line because they are anticipating enforcement after the first of the year to the two ordinances and during our discussion, I noticed that there was a difference between the two ordinances. I'm sure you have noticed several differences, but one in particular I would like to bring to your attention that you may already know. It's about in the city...well, actually I'll start with the county. In the county a restaurant can have a separate smoking room as long as it meets the parameters that you have set with regard to doorway openings, etc., and is marked properly and no one under 18 can be admitted within that smoking room, but your ordinance goes on to say that no one under the age of 18 can work in a restaurant that has a smoking room in the restaurant whether they may be working in the kitchen or out in the parking lot, or as greeters, bussers, weekend help to come in and clean up the parking lot, or whatever. They can not work for that restaurant so long as that restaurant has a smoking area inside even though that smoking area is sequestered in accordance with the ordinance. By contrast, the city ordinance allows for those restaurants who have sequestered smoking area defined exactly as yours, they allow the restaurant to employ people under 18 so long as those persons do not enter the smoking room. I just was looking at it as former restaurant owner who raised two young ladies who worked in the restaurant from the time they were legally able to work in the restaurant until the time they went to college and even after they went to college in one case. That's how they earned their mad money and I think there are other restaurant owners who...the reason this really came up is one particular restaurant owner who is a friend of mine, who does not speak English very well, asked me to explain the ordinance to her and I'm going to go out and explain it to her and in the course of reading up on it, she is in the county, I realized that her kids will no longer be able to work in her restaurant, so I didn't know if you all were aware of that?

President Musgrave: Simple solution to that problem. No smoking on the premises.

Bill Jeffers: I understand the solution from that point of view, but I just wondered if the Commissioners were aware of that technical difference in the two jurisdictions?

Ted Ziemer: As you know, there are numerous differences between the city ordinance and the county and this is just one of them.

Bill Jeffers: Yes, sir.

Ted Ziemer: It was done intentionally.

Bill Jeffers: It was done intentionally? Okay, I didn't know if it was done intentionally because when I was looking down through the definitions I came across that. It's just customary for restaurant owners to employ young people, especially their children as they are growing up.

President Musgrave: I was one of those young people employed in several different restaurants, so yes I understand that. We hope that the city will change their ordinance to be more similar or exact to the county's. But thank you for that.

Bill Jeffers: Thanks for the opportunity.

Commissioner Nix: Thank you, Bill.

Consent Items

President Musgrave: We have some consent items, next on our agenda, unless there was another member of the public? I see no one. As amended by Mr. Stoll's remarks when he was here.

Commissioner Nix: Move approval.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: Aye. Motion carries. If there is no further business, is there a motion to adjourn?

Commissioner Nix: So moved.

President Musgrave: And I will second. All those in favor?

Commissioner Nix: Aye.

President Musgrave: And we will convene Drainage Board.

Commissioner Nix: Yes.

The meeting was adjourned at 4:18 p.m.

CONSENT ITEMS:

Employment Changes:

County Highway (2)	Superior Court (2)	Commissioners (1)
County Clerk (2)	Treasurer (5)	Sheriff (2)
County Assessor (1)	Knight Assessor (1)	Prosecutor (2)
Circuit Court (2)		

Travel Requests: Union Township Assessor (2)

Commissioners:

Drawdown #12 Knight Township Fire Department CDBG Funds.
Partial Removal of Wall (No documentation.)
Quote for patching of Old Courthouse roof (Midwest Roofing).
Building Authority 2006 Accomplishments.
IBAP Gatekeeper Monthly Report.
Department Head Meeting Notes: December 12, 2006.

Auditor: A/P Vouchers: December 2006.

County Clerk: Monthly Report: October 2006.

Treasurer: Year-to-Date Investments: November 2006.

Weights & Measures: Monthly Report: 11/15/06-12/15/06.

County Engineer: Pay Request No. 12 & No. 13: Green River TIF: \$155,365.40.

Department Head Reports:

County Engineer	County Highway	Ozone Officer
Supt. Of Bldgs.		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Jim Price	Camille Fife	Blaine Oliver
Steve Craig	Dave Rector	Darren Stearns
John Stoll	Bill Jeffers	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons and Madelyn Grayson.