

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
JANUARY 2, 2007**

The Vanderburgh County Board of Commissioners met in session this 2<sup>nd</sup> day of January, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex.

**Call to Order**

Commissioner Musgrave: Good afternoon. I would like to call to order the meeting of the Board of Commissioners of Vanderburgh County for January 2, 2007. We'll start with introductions.

Marissa Nichoalds: Marissa Nicholads, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Commissioner Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Commissioner Musgrave: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Moment of Silence for National Mourning for Remembrance of  
Former President Gerald Ford**

Commissioner Musgrave: Before we get started this morning, I would like to have a moment of silence to recognize the national day of mourning for the remembrance of former President Gerald Ford.

(A moment of silence was observed.)

Commissioner Musgrave: Thank you.

**Welcoming of Commissioner Tornatta**

Commissioner Musgrave: I would like to officially welcome Mr. Tornatta here as Commissioner.

**Approval of the December 19, 2006 Commission Meeting Minutes**

Commissioner Musgrave: Is there a motion to approve the minutes of December 19<sup>th</sup>?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

Commissioner Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Musgrave: The motion carries.

<b>Election of Officers for 2007</b>
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Commissioner Musgrave: The first item on our action agenda is the election of officers for this board. Is there a motion for President and Vice President?

Commissioner Nix: I move that Commissioner Musgrave be re-elected as President. Or nominate, excuse me.

Commissioner Tornatta: I second that.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. And for Vice President?

Commissioner Tornatta: I move that Mr. Nix be the Vice President. What do you think?

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

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Gee, thanks.

Commissioner Tornatta: You're welcome.

<b>First Reading of Ordinance CO.01-07-001: Establishing 2007 Meeting Dates</b>
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President Musgrave: We now move to CO.01-07-001, an ordinance establishing our 2007 meeting dates. I assume that you've all had an opportunity to look over that. There are no substantial changes beyond our regular Tuesday at 3:30 meetings here in room 301. Is there a motion to adopt the calendar of meeting dates.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We move now to CO-12-06-021, the zoning code, the second and final reading, oh, excuse me. I need to go back and do a roll call vote on the other ordinance.

Ted C. Ziemer, Jr.: Well—

President Musgrave: And, you need to turn your mic. on if you're going to talk.

Ted C. Ziemer, Jr.: Yes, I thought you were doing this in two readings. We're doing this in two readings, the setting of the meeting.

President Musgrave: Alright. Do I need to do a roll call vote for this one?

Ted C. Ziemer, Jr.: You really don't, because we're not doing it unanimously.

President Musgrave: Okay.

<p><b>Second/Final Reading of CO.12-06-021: Ordinance Amending the Zoning Code</b></p>
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President Musgrave: However, this is the second reading for CO.12-06-021 of the zoning code. It passed on the first reading on 12/19/06. Is there any public comment on this? This sets the guidelines for parking spaces for apartment units, which essentially rent by the bedroom. This ordinance came about as a result of a specific apartment complex that was proposed to be constructed as an apartment complex, and then later constructed as student housing, where each bedroom was then leased on its own and had access to a common area. But, the parking requirements for the complex was the same parking requirements for normal apartments. In other words, there was way too little parking. So, this addresses that. Are there any comments from the public? I see no one. Any comments from the Commissioners? Is there a motion to adopt this on the second and final reading?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. The motion carries.

**Weights & Measures 2007 Lease Agreement  
Paramount Mortgage Company Lease (Old Courthouse)  
Vanderburgh County Sheriff 2007 Compensation Agreements**

President Musgrave: We move now to contracts, agreements and leases. If no one has any issue, we could take all three of them together. Commissioner Nix, would you like to read them into the record?

Commissioner Nix: Yes, the first one is with Weights and Measures, it's a lease agreement. This is a lease of space at the Executive Inn. The lease is the same except for the rent increase for 2007, and I don't have that rent amount in front of me here.

Ted C. Ziemer, Jr.: Yeah, it's increased from \$5,450 a year to \$5,600 a year.

Commissioner Nix: Thank you. The second one is Paramount Mortgage Company lease of the space at the Old Courthouse. This is a new tenant that we'll have at the Old Courthouse. It's a standard lease. The third one is a contract for Eric Williams to accept the contract salary in lieu of money collected on tax warrants. I think that's standard language that we've had implemented for quite a few years.

President Musgrave: Is that in the form of a motion?

Commissioner Nix: Yes, it is.

President Musgrave: Is there a second?

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We now move to department head reports—

Ted C. Ziemer, Jr.: Excuse me. There were two agreements for the Sheriff.

President Musgrave: It's not on this week.

Commissioner Nix: Which one?

Ted C. Ziemer, Jr.: One is the compensation agreement in lieu of taking other fees, and that's the agreement you've just approved. The second agreement is an agreement to compensate the Sheriff for operating the Community Corrections program. That's also in your packets.

Commissioner Nix: Move approval of the second.

Commissioner Tornatta: Second.

Ted C. Ziemer, Jr.: See, it's not so easy.

President Musgrave: Yeah, we have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Attorney</b>
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President Musgrave: Now we move to department head reports. Mr. Ziemer?

Ted C. Ziemer, Jr.: Okay, now that I have the microphone on, the, I did e-mail each Commissioner about this, but the state has offered to sell Vanderburgh County 73 plus acres of property near the intersection of Waterworks Road and Highway 41 North. They initially offered to sell that property for \$50,000. That was summarily, pretty much, declined by the Commissioners, or by Commissioner Musgrave, and then they came back offering to sell it for \$15,000. I had some further discussions with them, and they reduced it to \$10,000. I advised them, after our long conversation, that subject to approval by the Commissioners, I thought that, you know, we could recommend that the Commissioners enter into an agreement to purchase that property for \$10,000. It needs to be approved by the County Council. I have prepared a letter, which is also in your files that would be sent over the signature of the President of the Board of Commissioners, should you decide to approve this, advising Mr. Charlie Bell, the project manager for the Department of Administration of the State of Indiana, that the county would entertain purchasing the property for \$10,000, subject to their being appropriation by the Vanderburgh County Council. If you approve this, the letter is available to be signed.

President Musgrave: So, Council would be required to approve an appropriation, if we requested one, and also to pass a resolution in favor of it?

Ted C. Ziemer, Jr.: Yes. Obviously, the Council has to make an appropriation, if we don't have the money in some other line item that's appropriate to spend for this. But, in addition, since it's a purchase of real estate exceeding \$1,000, the Council has to adopt a resolution approving it.

President Musgrave: Alright. We've had discussion about this proposed idea at previous meetings, and I want to make sure that Commissioner Tornatta is up to date on that. Okay.

Commissioner Tornatta: Yes. I make a motion that we proceed to send a letter to the County Council to ask for funds.

President Musgrave: And the adoption of the resolution?

Commissioner Tornatta: And the adoption of the resolution.

President Musgrave: Okay.

Commissioner Nix: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries. Is there anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: No, I would just say then, even though you're going to go to the County Council, I think it is appropriate for you go ahead and sign the letter to Charlie Bell indicating that we are willing to purchase it for that price, if the money is appropriated by the County Council. So, he can go ahead preparing his deed and getting everything ready, in the event that we go ahead.

President Musgrave: Do you feel that we should make a separate motion to sign that letter?

Ted C. Ziemer, Jr.: I think it's included in your approving the....I just wanted to be sure the letter got signed.

President Musgrave: Okay, and you also have a joint snow removal agreement with Warrick and Vanderburgh County?

Ted C. Ziemer, Jr.: I do have. This was prepared at the request of Mike Duckworth, the Superintendent of County Highways. It's a situation where there are, there's a Warrick County road which is very near a Vanderburgh County road that it would be very convenient for Vanderburgh County to remove snow from, and there's the same thing on a Vanderburgh County road that it would be convenient for Warrick County to remove snow from. These are defined in the proposed agreement. It falls under the statute where governmental entities can mutually agree to do something for each other without any consideration. You have this agreement in your file should you desire to approve it.

Commissioner Nix: I haven't had a chance to look that over, but I have no problem with it. I make a motion that we approve.

Commissioner Tornatta: I'll second that.

President Musgrave: And, as soon as I get my microphone on, just for the public's clarification, Vanderburgh County will plow Lynch Road through Warrick County, until it gets to the intersection. There is no place in the middle of Lynch Road to turn around, and then we'll come back and plow the other way. Warrick County is taking upon themselves Oak Grove Road to plow in both directions. So, if you see a Vanderburgh County truck on Lynch Road going east and crossing the county line and coming back, that's what this agreement reflects. Also, if you see a Warrick County snow plow coming all the way over to, is it Burkhardt Road? Burkhardt Road on Oak Grove Road, and then turning around and going back, the Warrick County Commission is expected to address this, the same agreement, tomorrow at their meeting. So, this is the subject of that agreement. So, having a motion and a second, I'll call for the vote. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: The final thing was just to inquire, as the County Attorney we did advise the Commissioners, each Commissioner that we believe that there's a need to have an executive session to discuss litigation in the case of Charlotte Gunn

versus Vanderburgh County. The nature of the executive session would be to participate in mediation, which would be held at 9:00 a.m. on January 26, 2007. The court ordered mediation has indicated that there need to be decision makers present at the mediation. Of course, the only decision makers here are the Vanderburgh County Commissioners. You would not make a decision at that meeting, but you would hear recommendations and give advice to the mediator as to whether or not you would recommend to a public meeting of the Commissioners that it be approved. So, I don't know what your pleasure is on that, but that is the date that it is set, January 26, 2007 at 9:00 a.m. is the mediation. The mediators are willing to do this is the County Commissioners chambers, board room over here, if that suits you.

President Musgrave: Commissioner Nix, are you willing to attend that?

Commissioner Nix: Yes. I didn't know if, they wanted all three of us there because of that?

Ted C. Ziemer, Jr.: At least a majority.

Commissioner Nix: I don't know if that would work for that.

President Musgrave: Could we designate one of us, or do two of us actually have to be there?

Ted C. Ziemer, Jr.: I would prefer to meet the courts order that we have two Commissioners present at the meeting.

President Musgrave: At least two?

Ted C. Ziemer, Jr.: At least two.

President Musgrave: So, what I'm hearing from all, both of you, that this is a good day that both of you could be there?

Commissioner Nix: Yeah, 9:00 you say?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: And, whom, how many people do you think they'll have, because I would want to make sure that that room—

Ted C. Ziemer, Jr.: Oh, I'm sure it's plenty big enough. I mean, there will be the mediator, and then there will be the plaintiff and her attorney, and then it would be the two Commissioners who are there, plus a representative from our office, and I suspect that will probably be it. So, there's plenty of chairs in there.

President Musgrave: Okay, and they know that we don't have water, soda, any amenities whatsoever?

Ted C. Ziemer, Jr.: They actually don't expect this to take very long.

President Musgrave: Excellent. Alright, so we'll see you then.

Commissioner Nix: Our is a BYOS.

President Musgrave: Yeah, is there any further business?

Ted C. Ziemer, Jr.: It will be sort of like the Commissioners water and cheese party at Christmas time.

President Musgrave: Well, we're not allowed to have anything too (Inaudible). There's not anything we can do about that. Alright. Mr. Duckworth, do you have anything further? I think we've covered yours.

Mike Duckworth: Mr. Ziemer took care of my part.

<b>County Engineer</b>
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President Musgrave: Mr. Stoll?

John Stoll: I have one item and that's to request the award of contract number VC06-12-01, the Hillside Road reconstruction. I request that this contract be awarded to J.H. Rudolph for the amount of \$79,319. They provided the low bid on the project.

President Musgrave: Was that pending the successful acquisition of the easements?

John Stoll: The remaining easements, yes. We would just withhold the notice to proceed to the contractor until the easements have all been secured.

President Musgrave: Okay. Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further?

John Stoll: That's it.

Ted C. Ziemer, Jr.: John, you're not ready to proceed on the Green River Road agreement with—

John Stoll: The right-of-way?

Ted C. Ziemer, Jr.: —BLA? No? Okay, thank you.

John Stoll: I need to talk with them some more about some of the fees in the contract, but, hopefully, I'll have that for next week.

President Musgrave: Mr. Ziemer, will we have an agreement with the Hirsch's by next week?

Ted C. Ziemer, Jr.: I don't know. Well, I'm not being flip. I mean, I called them again, their attorney, on Friday before New Year's Day. December 31<sup>st</sup> was the date



by which they indicated they would give some information to us on the alignment, and I reminded them that December 31<sup>st</sup> was two days away, and that if they had any information to give us, they should do so. They have not. So, that's as much as I know.

President Musgrave: Do we need to proceed with condemnation then?

Ted C. Ziemer, Jr.: Well, that's, of course, up to the Commissioners. I, personally, wouldn't advise it, since I believe there will be a donation of the right-of-way by the Hirsch's. But, I think another week or so is more advisable than talking about proceeding with condemnation.

President Musgrave: Alright, we won't have a meeting next week, but the following week, I certainly hope that we can have that for the agenda.

Ted C. Ziemer, Jr.: I'll let the attorney for the Hirsch's know that.

President Musgrave: Okay. Any other department heads with any reports?

<b>EMA</b>
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President Musgrave: Mr. Greer?

Sherman Greer: This matter that I have is for the use of the Centre and the Locust Room for an exercise that's being planned by the United States Coast Guard and EPA. The planning phase of this is January the 18<sup>th</sup> and 19<sup>th</sup> and March the 13<sup>th</sup>. The exercise itself is in June, June the 19<sup>th</sup> through the 21<sup>st</sup>. We would like to see if we could get the planning dates free of charge, the use of the room over there, and then they'll pay also for the exercise dates, which would be June the 19<sup>th</sup> through the 21<sup>st</sup>.

President Musgrave: I understand that they'll be bringing about 150 people to our community for this event in June?

Sherman Greer: Yes, Ma'am.

President Musgrave: Okay, and it will likely be at the Executive, which means they will be in Vanderburgh County hotels?

Sherman Greer: Yes, Ma'am. Also, Evansville is being asked to participate in that exercise, even though it is a Spill On The Ohio, which is an exercise that the National, the Coast Guard does every two years. They want us to develop and run an earthquake scenario, so that it will coincide with their exercise, and we will be in the process of doing that.

President Musgrave: Okay. Commissioners, what's your pleasure?

Commissioner Tornatta: I move that we grant them the opportunity to come here and use the room, and then, hopefully, they'll come back and patronize us on the run through.

Sherman Greer: I'll make sure of that.

Commissioner Nix: Second.

President Musgrave: So, your motion is to waive the fee for the planning phase of this, but require the fee in the operation?

Commissioner Tornatta: That's correct.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Sherman Greer: Thank you.

President Musgrave: There is something wrong with this capricious microphone.

Madelyn Grayson: I'll have it checked out.

President Musgrave: Okay. No, other department heads.

<b>Board Appointments</b>
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President Musgrave: We'll move forward to board appointments. We have quite a long list. Commissioner Nix?

Commissioner Nix: Yes, board appointments, I've got, like Commissioner Musgrave said, we've got quite a few. The Alcoholic Beverage Commission, do we want to wholesale these? Or do we want to do them one at a time? Is that your pleasure?

President Musgrave: All of them at once.

Commissioner Nix: All at once? Alcoholic Beverage Commission, Frank Daugul; Convention and Visitors Bureau, Michelle Peterlin and Joe Vezzoso; the Parks Board, Gary Shetler; Redevelopment Commission, Dave Abbott, Jeff Korb, Tim Deisher, Pam Martin and Andrew Smith; Redevelopment Authority, Mark Pettinga, Matt Meadors and Dan Carwile; Polling Place Advisory Committee, Gregg Utley, Roberta Heiman, Mark Foster, Connie Carrier, Marissa Nichoalds, Tony Bushrod and Ben Trockman; PTABOA, Kris Seger and Paul Farmer; MBE/WBE, Darrell Ragland and Frankye Calloway; Hamilton Golf Course, Carol McClintock, Nino Cocchiarella, Bob Harris, Tom Shetler, Jr., and Steve Craig. I make a motion that we approve all these.

Commissioner Tornatta: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

**New Business**

President Musgrave: Is there any new business?

Commissioner Nix: Yes, I do have one thing. We got some information on a towing contract from Hamrick's, and apparently it parallels the city's contract, with the exception of a couple of items, I think, that our attorney's taken care of. I didn't know if it was the board's pleasure to, and I talked to Mr. Hamrick this morning, I didn't know if it was the board's pleasure to move ahead with this contract, or to put this out on the street? I know it's our discretion to do one way or the other.

Commissioner Tornatta: I would say since the contract has expired that we go ahead and approve the contract, as we have in front of us. Looking at the exemptions, or the additions that our attorney will have, and then, if we choose to do something next year then we, you know, get on that a few months ahead of time, and then go from there. But, I approve, I make a motion that we approve this contract.

Commissioner Nix: Second.

President Musgrave: As we had discussion, could you please elaborate on the small differences (Inaudible).

Ted C. Ziemer, Jr.: Certainly. Mainly, well, there are numerous changes in the contract which have to do with it being a county contract and a city contract, and I made all of those appropriate changes. There was in the county contract a provision that was deleted from the city contract, which said that, excuse me while I get to it;

"The contractor will not charge a storage fee for the first three days of storage of a vehicle that was towed or impounded at the direction of the county. The day the towing occurred shall count as the first day."

I don't know why that was deleted. Mr. Hamrick told me he thought it was included in the city contract. It is not, and I have included it in the county contract. The second thing, there was a discrepancy between some of the language, I felt, regarding the provision, there's a provision that says that the contractor shall have one employee at the storage facility 24 hours a day, seven days a week, 365 days a year, without exception. And, that that employee must be authorized to do a number of things, including release vehicles. On the other hand, it's Mr. Hamrick's desire, and in the city ordinance it says that the only time that vehicles can be released to the public would be, not 24 hours a day, seven days a week, etcetera, but 7:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to 3:00 p.m. on Saturdays; and 8:00 a.m. to 12:00 noon on Sundays. So, I've changed that second sentence of that provision to say, notwithstanding, they have an employee there who could do this 24/7;

"The contractor shall maintain sufficient personnel to permit pickup of vehicles by the public only during the following hours."

And then I've listed the hours. Otherwise, the contractor is essentially the same as the city contract.

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

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Old Business</b>
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President Musgrave: Any old business?

<b>Public Comment</b>
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President Musgrave: Any public comment? I see no one coming forward.

<b>Consent Items</b>
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President Musgrave: We have a list of consent items. Is there a motion to approve the consent agenda?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: Okay, Ted, you can turn yours off.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 3:55 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Prosecutor (4)	Surveyor (1)	County Clerk (3)
Auditor (1)	Union Assessor (1)	Pigeon Assessor (1)
Circuit Court (2)	Public Defender (1)	

**Travel Requests:** German Assessor (1)

**County Engineer:** Pay Request No. 14: Green River TIF Projects: \$26,202.61

**Surplus Letters:**

Surveyor: various office furniture.  
Knight Assessor: Minolta copier.  
Sheriff Department: Old jail surplus list: miscellaneous items.

**Treasurer:** Monthly Report: November 2006.

**Commissioners:** Evansville ARC Monthly Report: November 2006.

**Purchasing:** Monthly Report: November 2006.

**Department Head Reports:** County Engineer

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	John Stoll	Sherman Greer
Mike Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JANUARY 16, 2007**

The Vanderburgh County Board of Commissioners met in session this 16<sup>th</sup> day of January , 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: Good afternoon. I would like to call to order the January 16, 2007 meeting of the Board of Commissioners of Vanderburgh County. Welcome. We will start with introductions on 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 Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: And, before we finish with the introductions, do we have anyone here from Youth Resources? Normally we have them sit up front, and I see no one. So, please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

<b>Approval of the January 2, 2007 Commission Meeting Minutes</b>
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President Musgrave: Motion to approve the minutes of January 2<sup>nd</sup>?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Permission to Open Bids: VC07-01-01: Repair and Repaving of Roads in Bohannon Estates</b>
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President Musgrave: Is there a motion to open the bids VC07-01-01, repair and repaving of roads in Bohannon Estates?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Prosecutor: Presentation of 2007 Anti-Drug Calendar</b>
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President Musgrave: I would like to welcome our special guests here today, the Prosecutors office. Mr. Stan Levco is the County Prosecutor, if you would like to come forward, I know you have a number of artists and family members here who participate in your anti-drug calendar program. I saw the calendar and was very captivated with the artwork, and I wanted to give you some time to explain what you do and all the people who help you do that.

Stan Levco: Well, thank you. We started this, I always forget, was it eight years ago? Eight years ago, seven years ago, something like this. As all good ideas, and most good ideas, it was an idea that I stole from a prosecutor in Baltimore. The middle schools participate in this. This year we had 19 out of 31 middle schools participate, 1,115 students. What we have is we have them, I hope you've all seen it, we have them all submit an anti-drug artwork. We have a group of judges each year, celebrity judges, and I hope I'm looking at one of next year's celebrity judges.

President Musgrave: That must be you, Bill.

Commissioner Nix: It wasn't me. I have family in this, and they won some of this. So, it can't be me.

Stan Levco: They judge it every year. We narrow it down, we have 12 month winners and a grand prize winner. Also, we have a number of honorable mentions. I talked to the prosecutor in Baltimore, who's name is Sandra O'Connor, but not the Supreme Court Judge, who's a graduate of Indiana University Law School, and she's finishing up, she's done about 30 years as the head prosecutor in Baltimore, she's not, as of this year she is no longer, but I will modestly say she said I think we have really made some improvements on hers. What we do is we list every person's name who enters the thing. I just think it's vision, I don't know if it's true, that everybody that does goes home and, I know if I did I would be looking to see that my name was in there. Not only that, it's on the internet. So, any of the parents, or any relatives can see it from anywhere. This year, we always have a good year, but this year we had a number of really good contestants, particularly, the grand prize winner, I thought was exceptional this year. It will be on a billboard that's donated to us. It will be up there on Vogel Road, I think it is. All the money that, the money that funds this comes from forfeited drug money. We distribute roughly 5,000 calendars throughout the city, to all the middle school participants and libraries and police offices, the county offices. If any of you didn't get one, or want some, I have some down at the office. We have a number of the winners this year with their winning entries. Do you want me to have them come up or what?

President Musgrave: Yes, have them come up, and then put their artwork briefly on the easel—

Stan Levco: Okay.

President Musgrave: —so, maybe the camera can pick it up for them. Introduce them and tell us what month you are. I think that's exciting.

Stan Levco: Okay, those of you that are winners and you have your winning posters with you, could you come up and bring them up? We'll just do one at a time, but all of you come up here, and then I'll just take you one at a time. How's that? This is January, I recognize January already. This is Ms. January, Emily David.

President Musgrave: Please stand beside your picture and read what it says on the picture.

Emily David: It says, "Drugs will give you the wrong tune."

President Musgrave: Drugs will give you the wrong tune. That's very nice. Your name is?

Emily David: Emily David.

President Musgrave: Emily David. What school do you go to, Emily?

Emily David: Christ the King.

President Musgrave: Christ the King? Well, congratulations! It's very, very nice and I think you have exactly the right message.

Emily David: Thank you.

President Musgrave: Thank you.

Stan Levco: Now, are you Logan?

Unidentified: No.

Stan Levco: Are you Logan?

Unidentified: No.

Stan Levco: Okay, Logan is not here? Lauren is not here. This is William Rodenberg, June.

President Musgrave: Say your name into the microphone and tell us what it says on your artwork.

William Rodenberg: My name is William Rodenberg, and it says, "Smoking dope won't give you hope."

President Musgrave: This is for June did you say?

Commissioner Nix: What school do you go to?



William Rodenberg: St. Boniface.

President Musgrave: St. Boniface.

Commissioner Nix: William happens to be my nephew. So, I knew that already, I was just baiting him.

Stan Levco: Well, I want to make it clear that we didn't know that. I didn't know that.

Commissioner Nix: And, I wasn't a judge.

President Musgrave: Well, congratulations. I'm sure that your talent is all your own.

Commissioner Nix: Gee, thanks.

President Musgrave: Thank you.

Stan Levco: Aimee? This is Aimee Boyle, August.

President Musgrave: What does it say on your artwork?

Aimee Boyle: It says, it has an injection thing, and it says, stupid, a little bit is stupid, a little bit more is unhealthy, more is dangerous, and all the way full is deathly.

President Musgrave: And which school do you go to?

Aimee Boyle: Evansville Day School.

President Musgrave: Evansville Day School. Well, thank you very much for participating. It also just says, "Just say no", right?

Aimee Boyle: Uh-huh.

President Musgrave: In the upper right hand corner, what does it say there?

Aimee Boyle: "Say no to drugs."

President Musgrave: Say no to drugs, okay. Well, thank you very much for bringing that today.

Aimee Boyle: Thanks.

Stan Levco: Reid? This is Reid Mobley, October.

Reid Mobley: Okay, my name is Reid Mobley, and the theme for my drug calendar addition is, "Alcohol pours your life down the drain."

President Musgrave: What school do you go to?

Reid Mobley: Perry Heights Middle School.

President Musgrave: That's the school my kids went to. Congratulations for your entry.

Reid Mobley: Thank you.

President Musgrave: Very well said.

Stan Levco: Is Perry Heights where you have the dancers?

Reid Mobley: Yeah, the snowball dance and all that stuff, so.

Stan Levco: No, I mean, your principal's (Inaudible).

President Musgrave: My kids went to the same snowball dances he's talking about.

Reid Mobley: I don't know what you're talking about.

Stan Levco: Alright, okay. This is Trey, Trey Fullilove.

Trey Fullilove: My logo says, "Cocaine causes pain."

President Musgrave: Say your name again for the microphone, and what school do you go to?

Trey Fullilove: My name is Trey Fullilove, and I go to McGary Middle School.

President Musgrave: McGary, I understand, is your art teacher here? I understand that she works very hard at making this program successful at McGary.

Stan Levco: McGary dominates this contest. When the judges judge, they don't know what schools they're from. McGary, every year, does exceptionally well. This is the first year we're seeing a few little intervals, but some years they have swept.

President Musgrave: So, McGary rules?

Stan Levco: (Inaudible) yeah.

President Musgrave: Congratulations, Trey.

Trey Fullilove: Thank you.

Stan Levco: And, our grand prize winner, from McGary. Yelena?

Yelena Koshichiy: My name is Yelena Koshichiy. My poster says, "Make our city safer, stay away from drugs."

President Musgrave: I was so taken by the picture of the Old Courthouse that you drew there. I was wondering how we can get that from you, because, I think that's an excellent rendition of the Old Courthouse. I understand that you've not been the lead winner before, but you won last year for one of the months as well?

Yelena Koshichiy: Yes, I won first place last year.

President Musgrave: Wow! Congratulations! And, you're from McGary too, aren't you?

Yelena Koshichiy: Yes.

President Musgrave: Yes, you are. But, you're not from McGary, I mean, I think you're from somewhere else originally, not from this country.

Yelena Koshchiy: You mean what country?

President Musgrave: Yes.

Yelena Koshchiy: Yes, I am from Ukraine.

President Musgrave: How long have you been here?

Yelena Koshchiy: For about three years.

President Musgrave: Three years. I understand all of these artwork, the artwork for the calendar is on display at the Children's Museum?

Stan Levco: It has been. Not any more, but it has been since the past month or so.

President Musgrave: Okay.

Stan Levco: It will be next year, the winners will be next year. Pretty soon she will have her first place entrance on a billboard on Vogel Road.

President Musgrave: On Vogel Road.

Stan Levco: They get prize money for this also, which is not the reason that they do it.

President Musgrave: Well, I was very impressed with the calendar. I think I've noticed it for several years, but this year there is something special about it, and I want to congratulate, who's your staff member who does this?

Stan Levco: Doug Brown and Regene Newman.

President Musgrave: Would you please come forward? Because I know that this takes quite a lot of extra work in a serious office like the Prosecutors office to do what might not seem very serious, an art competition among students, but, I think it really makes everyone think. I want to thank you for that. Thank you for bringing that.

Stan Levco: We have a presentation every year, and I tell this story to parents, so, I'll tell it to you, the way this began was, roughly eight years ago, Doug is actually the one who saw Sandra O'Connor do this—

President Musgrave: Ah!

Stan Levco: —and, said to me, "I think this is a good idea we should do.". I was pretty skeptical, and he kept telling me to do it. What I finally said to him was, "You do it. You prepare it. You get it all done, and if it works, I'll take the credit for it." That's exactly what I've done for the past eight years. So, it's worked out pretty well.

Commissioner Musgrave: Well, I want to congratulate all the young artists, and know that I think you've made a difference in what you're doing. Thank you for the work

that you are doing to bring to this contest. I asked you when you came up to the meeting, I hope that you can televise the awards ceremony next year.

Stan Levco: We'll look into that.

President Musgrave: I think it probably only costs about \$100, and the kids would get some great recognition. You know if McGary is going to rule in this, boy, somebody's got to try to take them off their pedestal. We've got to get some more involvement in this.

Stan Levco: We're making inroads.

President Musgrave: Okay.

Stan Levco: Okay, thank you for doing this. It was really nice.

President Musgrave: Thank you, and thank you to all the students and sisters and brothers and parents and cousins and uncles and other relatives who took the time to come down here today. I want to thank you.

<b>Recognition of Joint Drug Task Force</b>
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President Musgrave: I saw Sheriff Williams come in. Is he still here? Behind the easel? Sheriff Williams, if you'll come forward. I talked to him earlier today, and I told him that I wanted to also recognize the joint task force for the Police and Sheriff's department for another drug related event last week. If you'll explain to us what happened.

Eric Williams: Basically, it's, the joint task force is an organization comprised of Vanderburgh County Sheriff's deputies, Evansville Police officers, and Vanderburgh County Prosecutor's personnel. It's been in place for about four years now. We work jointly on drug enforcement issues. I applaud Prosecutor Levco and his staff for what they've done, because the real long term answer is through education awareness, just like you've pointed out. Having these young people involved in a program like this is going to make a difference in the long run. In the meantime, it's groups like the JTF who are out looking for the bad guys and putting them behind bars. We're very fortunate, we had a good tip, information led up to a pretty big arrest and a seizure out in our county. Those guys are doing that everyday, and they continue to do that everyday and work very diligently to try to rid our streets of things like meth, heroine, cocaine, and all those other horrible substances that are affecting our lives. But, they do a good job everyday and we're very proud of them. Thank you.

President Musgrave: Thank you and congratulations to you, and to the City Police, on that major drug bust.

<b>Reading of Bids for VC07-01-01: Repair and Repaving of Roads in Bohannon Estates</b>
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President Musgrave: Alright, do we have the Bohannon Estates bids ready, Mr. Ziemer?

Ted C. Ziemer, Jr.: We do. Yes, Ragle, Inc's bid is \$293,259.70. Koberstein Trucking's bid is \$239,949. J.H. Rudolph's bid, oh, excuse me. Koberstein Trucking I said is \$239,949, with alternate one, which was not bid by Ragle, Inc., with alternate one, Koberstein Trucking is \$240,477. J.H. Rudolph bid \$224,940, and with the alternate it's \$226,964. Blankenberger Construction bid \$260,750, and with the alternate it's \$259,694. The engineer's estimate for the project was \$286,250.

Commissioner Nix: I make a motion we take these bids under advisement.

Commissioner Tornatta: Second.

President Musgrave: Try it again.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p><b>Final Reading of Ordinance CO.01-07-001: An Ordinance Establishing Meeting Dates for 2007</b></p>
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President Musgrave: We move on to CO.01-07-001, the ordinance establishing the 2007 meeting dates, the second and final reading. This was passed on the first reading at our last meeting. Is there any discussion of this ordinance? Is there a motion to adopt it on second reading?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. Show the ordinance as adopted.

<p><b>2007 Lobbyist Activity Registration Statement</b></p>
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President Musgrave: We have a couple of other things to adopt, the County Commissioners 2007 lobbyist activity registration statement. This is required to be filed by the state yearly. In fact, we need to do that today. Is there a motion to adopt it?

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Discussion of 2007 Road Hearings</b>
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President Musgrave: We had hoped to set the date and time for the district road hearings, and we will be naming those exact dates next week. It looks like they'll be three Wednesdays in February, but we want to finalize our plans with the schools, where we normally hold these to make sure that those dates are acceptable with them. So, we will be announcing the district road hearing dates next week. But, you don't need to wait for the road hearing to send in your complaints. If you have a pothole, a street repair, concrete or asphalt, or an idea or complaint about roads, go ahead and e-mail those in, mail them in, just don't phone them in. We would like to have a written record. You can e-mail them to commissioners, that's commissioners with an "s", at vanderburgh gis dot com. We will take complaints on any road, but know that complaints on state roads, federal roads, city roads, we will be passing those along to the appropriate jurisdiction. So, don't wait for the meeting to give us your road paving ideas. Send those in right away.

<b>Permission to Advertise: APA-002-2007: Crushed Stone APA-003-2007: Sand &amp; Gravel APA-006-2007: Oil Products APA-008-2007: Batteries</b>
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President Musgrave: Commissioners, if it's acceptable to you, can we take the Purchasing permission to advertise in one motion?

Commissioner Nix: That's fine with me.

Commissioner Tornatta: Yep, that's fine.

President Musgrave: Does somebody want to make the motion as listed?

Commissioner Nix: Yeah, move approval of APA-002-2007, crushed stone; APA-003-2007, sand and gravel; APA-006-2007, oil products; and APA-008-2007, batteries. That is in the form of a motion.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Superior Court: Youth Service Bureau 2007 Contract**  
**Superior Court: CASA, Inc. 2007 Contract**  
**Economic Development Coalition Grant Agreement**  
**Knight Township Trustee 2007 Guidelines**  
**O'Connor Creative Lease Agreement for Old Courthouse**  
**Health Department STD Grant**  
**Superior Court: ICJI Grant**  
**QPA Lease for Computers: Courts**

President Musgrave: We move now to contracts, agreements and leases. All of these have been reviewed by the County Attorney, and we have several. We'll go ahead and take them one at a time, in case there are questions. The Superior Court Youth Services Bureau contract. I understand that this is identical to the agreement for 2006. The annual charge has decreased from \$54,000 to \$41,000. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The Superior Court CASA, Incorporated contract. The agreement is for a period of one year in the amount \$44,700. Is there a motion for approval?

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The County Commissioners Economic Development Coalition grant agreement. This is the agreement establishing the successor organization to Vision-e, and will provide economic development in Southwest Indiana, that now includes four counties; Posey, Gibson, Warrick and Vanderburgh. We will pay \$139,000 in quarterly payments as per this agreement. Are there any questions? Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We have received the Knight Township Trustee 2007 guidelines. The law requires that these guidelines be filed every year.

As far as I know, Mr. Ziemer, we have only received Knight Township's and not the other seven?

Ted C. Ziemer, Jr.: That's all we've received.

President Musgrave: Okay. Is there a motion to adopt those guidelines?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. While I said the word adopt, I think they are just required to file them with us. We don't actually adopt them. I have told though the townships that fail to file them with us, if there's a petition to the Commissioners because of a denial of services, a grant, or relief by the township trustee, and they have not filed any guidelines with the Commission, my vote will be to grant it. Whatever the relief is the petitioner is looking for, I am going to vote yes, because I have no guidelines from the township. So, let that be an encouragement to the other seven townships to get their guidelines in to the Commissioners. We have a lease renewal as our next item, the O'Connor Creative lease agreement for the Old Courthouse.

Commissioner Tornatta: Move approval.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The Health Department STD grant for \$69,814.

Commissioner Tornatta: I'll move approval.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The Superior Court Indiana Criminal Justice Institute grant. The grant renewal for the Superior Court with the Indiana Criminal Justice Institute.

Commissioner Tornatta: Move approval.

Commissioner Nix: Second.

President Musgrave: All those in favor?



All Commissioners: Aye.

President Musgrave: The motion carries. The QPA—

Ted C. Ziemer, Jr.: Excuse me. Pardon me, Madam President, we have two items there. I thought there might be confusion on the agenda.

President Musgrave: Your microphone is misbehaving.

Ted C. Ziemer, Jr.: Okay, there are, one is a new grant, which is a Byrne grant renewal, and that's a grant for \$36,322 running from April 1, 2006 through March 31, 2007. That's one grant agreement. The other document you have to approve is an award, a grant award statement for a prior grant, which expires March 31, 2007, which the court inadvertently failed to send to us when we approved the grant initially. So, I didn't want you to just do one approval. So, your motion ought to be to approve an ICJI grant award statement, that's one thing is you want to do that, and the second thing is to approve the Byrne grant renewal. Then you'll have covered both of them.

Commissioner Tornatta: I amend my motion to encompass the award statement, plus the Byrne grant.

Ted C. Ziemer, Jr.: Good. Thank you.

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

All Commissioners: Aye.

President Musgrave: Thank you for the clarification on that, Mr. Ziemer. We now move to the lease of computers for the courts. I noticed that we have Tim VanCleave, Judge Knight and Matt Arvay here to answer any questions. There's a number of documents and master lease agreements. Mr. VanCleave, if you'll just give us a brief rundown of what this request is.

Tim VanCleave: Thank you. My name is Timothy VanCleave, I'm the Executive IT Director for the courts. This is a project that will be replacing the technology for the court system here inside of Vanderburgh County. It's a project that's been on-going, in a planning cycle for sometime, and has come to fruition here. The court has elected to choose the Hewlett Packard product, mostly because the cost was very competitive with the Dell QPA, but, more importantly, the Hewlett Packard product offers a longer guarantee on parts being available. The court has a unique opportunity, that is not necessarily present in all offices, that several offices utilize the same software in all offices, encompassing about 250 to 300 users. This allows us to provide a controlled environment, which helps us in turn keep costs for managing that environment down, when all of the computers are the same, and can maintain parts that are the same as the initial cost, because the county has invested in a software distribution system. Most problems with the hardware in the environment is normally software. That is why being able to have a configuration that is consistent over three or four years during the life cycle is beneficial in keeping the costs for the county's operations down low. It is that, plus the cost comparison with the Dell's that we have elected to go with the Hewlett Packard product. As part of some of the delays in bringing this to the board, the initial project started as we were starting to change out the facility management provider, which brought us into, you know, the fourth quarter when we began working on the final details of that.

Then the state did not decide what they were going to do with their 2007 QPA on computing equipment until December of '06, which put both Matt and myself into a decision making process on how to best move forward. At that point Matt thought it was best to engage the County Attorney to get some legal counsel on whether or not we could proceed with this. Which brings us up to this week, finalizing our project, our costs, our quantities, and getting them presented in the lease document for legal review. I've tried to cram a whole lot of information into a very short period. I hope I haven't gone too long, or shortened it too much for this board.

President Musgrave: As well, when I saw that it was on our agenda for today, and it had to be done today, acted upon today, or you would lose this pricing, I thought that that was way too much brinkmanship. What if something had happened and we hadn't been able to hold this meeting today? So, I encourage you to get those to us with more time, more leeway next time, so that everyone doesn't feel that they are rushed in this. I understand that you will be bringing in new computers to replace pretty much all the desktops in the courts environment?

Tim VanCleave: Yes.

President Musgrave: Now, I want to make sure, will these other computers that you are replacing, will those be available for redistribution in other county offices?

Tim VanCleave: Yes.

President Musgrave: Okay, good.

Tim VanCleave: But, we will be retaining a few for the Election Office, who was, the Council did not fund to have new computers. So, we do want to retain some of these so that we have spare parts or replacement units, as well as a testing environment. But, that would still leave, in my estimation, 200 to 225-230 computers for redistribution by the CIO and computer services.

President Musgrave: Alright, and I know that we have a need for at least one server elsewhere. If any of the servers are freed up, would you let Matt know. He knows where we are really in dire need of newer equipment.

Commissioner Tornatta: Tim, there was a quote and then a deal price. So, was there a cost savings in the purchase?

Tim VanCleave: HP did go below their state QPA pricing in order to make sure that they obtained this deal.

Ted C. Ziemer, Jr.: If I can just clarify? You are referring to that chart that you were sent?

Commissioner Tornatta: Yes.

Ted C. Ziemer, Jr.: The quote is Hewlett Packard's quote to the State of Indiana, under their QPA pricing agreement. The deal price is the price that they actually gave Vanderburgh County, which as Tim says, is lower than the state price.

President Musgrave: They reached that deal in order to be the same price as Dell, correct? Because Dell was coming in at a lower price even than the Hewlett Packard QPA, is that correct?

Tim VanCleave: Yes, but HP had already reduced their costs knowing that they would be going against Dell here.

President Musgrave: So, we got the lowest possible cost, but we benefitted from the competition between Dell and Hewlett Packard?

Tim VanCleave: Yes.

Commissioner Nix: What's the duration, this transition from old to new, what kind of time frame are we looking at? Just ballpark.

Tim VanCleave: Ballpark, we will probably be looking at two to six months. With approval today, then we begin the details with the new facility management, as well as Matt, to determine how we can put the pieces together, bring them online and transition them over to the facility management organization.

Commissioner Nix: You guys are pretty comfortable that you can pull this off, I mean, with the people you have? I mean, to make it all work then?

Tim VanCleave: Part of this we will be requiring additional services, because to deploy this number of units will take significant resources for a very short duration. So, it does not make sense to increase staff in any location permanently to handle this one surge.

Commissioner Nix: Okay.

President Musgrave: So, is Mark Rolley's organization going to be assisting you with this?

Tim VanCleave: To the degree in which we will be turning it over. I do not know if Matt will be allowing them to quote on the services. I would need to defer that one over to him, because I know that in our discussions Matt has mentioned that MRC cannot bid on any other work without the approval of the bodies.

President Musgrave: Alright. Are there any other questions?

Commissioner Tornatta: Just, Judge Knight, since you're here, if you could just answer a quick question. I always found that on the Council I go to the source. Any other issues in the computer area that you're going to see after we get some of these things in place? Is everything working pretty smooth?

Doug Knight: Not that I can foresee at this point. I think I just told Mr. Fluty earlier that we would have them up and running by March, but I think that's a little more conservative estimate, later in the summer. I'll see if I can push Tim as fast as I can, and you can beat that date. He may disagree with that. No, not that I can foresee at this point.

Commissioner Tornatta: Okay.

Doug Knight: I certainly appreciate the accommodations of the Commission in taking it as swiftly as they were able to, and we'll do much better in the future.

Commissioner Tornatta: Thank you.

President Musgrave: Thank you.

Doug Knight: Thank you.

President Musgrave: Mr. Ziemer, I note that there are a number of agreements. Would you like to make the suggested wording for the motion to encompass all of them?

Ted C. Ziemer, Jr.: Yes, I would suggest that the motion be to approve the state and local government master lease purchase agreement, the schedules attached thereto, the attachments attached thereto, and the associated certificates.

Commissioner Tornatta: So moved, okay.

Commissioner Nix: Second. I was going to ask him to repeat that.

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

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you. Thank you for taking the time to come over today.

<b>County Engineer</b>
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President Musgrave: We move now to department head reports. Mr. John Stoll, County Engineer, I understand you have some supplemental agreements.

John Stoll: I've got four contracts that deal with the TIF district projects. The first one is a supplemental agreement with Clark Dietz, Incorporated for the Green River Road-Millersburg Road intersection project. This is for an increase of \$24,300. This cost is associated with the necessary design changes to make sure that the Clark Dietz plan match up with the Bernardin Lochmueller plans for the project to the south of Green River-Millersburg. This project, this cost is actually, the full contract amount of which we'll only pay 20 percent, because we will request INDOT to supply 80 percent federal funds. So, at this point, I'm just requesting your approval to submit this to INDOT so they can finalize this, review it, and return it back to us for final signatures. They have to, we have to go through that process first, through INDOT, before we can sign the contract.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: I forgot to mention too that the County Attorney had reviewed all of these contracts. So, he found them to be acceptable for your approval. The second contract is for the right-of-way engineering and right-of-way services for phase two and phase three of Green River Road. This contract is with Bernardin Lochmueller and Associates, and the amount is \$315,000. One thing that I would like to point out

on that amount is the fact that the total was based on all properties would require a long form appraisal. We know that's not going to be the case, so, the final amount of the contract should be less than that, but they figured that in on the basis that that would be the high end for everything. But, I would like to request approval of that contract.

President Musgrave: Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, next I would like to request approval of the supplemental agreement with Bernardin Lochmueller and Associates for the Green River Road project. This is for an additional amount not to exceed \$65,000. This is for the soils work on phases two and three of the project.

Commissioner Nix: John, correct me if I'm wrong, that was part of what we pulled out of some, I guess, a contract that we were working with—

John Stoll: DLZ?

Commissioner Nix: —DLZ on, and, we had put that in their contract, and, okay.

John Stoll: Right. This was combined for phases two and three, rather than having separate soils contracts for the DLZ project, and separate soils for the Bernardin contract.

Ted C. Ziemer, Jr.: Excuse me, John? You're now referring to the BLA supplemental agreement to the June 6, 2006 agreement?

John Stoll: Yes.

Ted C. Ziemer, Jr.: I showed that the additional cost was \$68,200.

John Stoll: I'm sorry, you're right. It had an extra \$3,200 for an additional line item.

Ted C. Ziemer, Jr.: Okay. I just want the record to be correct.

John Stoll: Ted's amount is correct.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second, and I would just like to point out that all these things have been sent to the Commissioners for those who are either in the audience or watching on the television, that these have been submitted. Normally

in e-mail form we've been able to look at them. So, although we're approving them pretty quickly here, we have had a chance to look at these.

President Musgrave: Yes, we've been doing that for a couple of years now. We have a motion and a second, is there any discussion? 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 agreement with Bernardin Lochmueller and Associates for Cross Pointe Boulevard. This is for \$134,000. This would provide right-of-way engineering and right-of-way acquisition services for all the right-of-way needed for that project between Virginia Street and Morgan Avenue.

Commissioner Nix: Oh, excuse me.

John Stoll: One other thing too, this was all figured on the basis of long form appraisals on all parcels again. So, here again, this final amount paid should be a little less than this.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

<b>County Attorney</b>
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President Musgrave: Mr. Ziemer, do you have a report?

Ted C. Ziemer, Jr.: I do.

President Musgrave: Where are we getting this feedback from?

Ted C. Ziemer, Jr.: Let's see, we have a series of documents relative to the making of first payments to Berbee and to Keller Schroeder for the acquisition of equipment, installation of equipment for the new county telephone system. This is all being done pursuant to the Key Government Finance, Inc. master agreement, lease/purchase agreement and escrow agreement. I have e-mailed each of you, in detail, regarding that agreement. The amount due Berbee under this current draft would be \$27,420.15. The amount due Keller Schroeder would be \$117,231.90. Matt Arvay, is he still here, or did he leave? I don't know if you had questions, but I think it's all in line.

President Musgrave: Are there questions regarding the contract?

Commissioner Tornatta: The only question that I've had, and I've addressed it to Auditor Fluty, is that the amount is in place when we go through with this. I still don't know if I have a clear answer if the money is in place for the contract.

President Musgrave: Marissa, why don't you call Mr. Arvay and ask him to come back, and we'll move on to other items on our agenda. What else do you have, Mr. Ziemer?

Ted C. Ziemer, Jr.: The, just the second thing was, I e-mailed the Commissioners regarding an automobile accident to one of the Sheriff's Crown Victoria's, and there was a total loss, and the Sheriff, through Sargent Tenbarger, is recommending that we keep the damaged vehicle for parts, and allow the settlement to be reduced by the salvage value of \$2,050. I need your approval if we're going to settle that in that manner.

Commissioner Tornatta: I make a motion to accept the settlement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Okay, thank you. Now, let me see what's...I think that's all. Thank you.

President Musgrave: Are there any other department heads? Oh, thank you, Mr. Arvay. We had questions. Mr. Tornatta has a question regarding the telephone contract.

Matt Arvay: Yes.

Commissioner Tornatta: What my main issue right now, and we've talked about it, is that the monies are in place for this contract.

Matt Arvay: Right.

Commissioner Tornatta: I'm not going to sign a contract until the monies are in place. It's a state law.

Matt Arvay: Right.

Commissioner Tornatta: Now, what I need to know is, we kind of think there are, and the monies are in place. There's a \$25,000 roll over from last year.

Matt Arvay: Right.

Commissioner Tornatta: Adding to our \$210,000 in that line item.

Matt Arvay: Right.

Commissioner Tornatta: But, I hear, "I think that will be enough." The Council, at budget time, said that that was, the \$210,000 was the number. Now, we didn't even appreciate the roll over. We still signed the contract. Or the prior administration signed a contract. I guess, my question is, do we have proof that that's going to be the case, and then can we move from there knowing that there won't be going back to the County Council for any more monies?

Matt Arvay: Well, when I met with you Friday, I had brought that study, and that's where we got the RLI from was looking at our current Centrex costs, what this new IPT system would cost us, as well as our communication lines back at AT&T. When we did that study, we felt that with the current line item out of the Commissioners Telephone budget, with a proper installation of getting this done in the first quarter of this year, that that would cover the costs. That's why we didn't come to Council and ask for an appropriation specifically for this project.

Commissioner Tornatta: Okay, and then if, not knowing where the votes fall, but if this contract were deferred, does that put us behind?

Matt Arvay: The installation is still continuing. It's just, I was trying to appease these folks that have submitted invoices.

Commissioner Tornatta: Okay.

President Musgrave: Any other discussion?

Commissioner Nix: I'm just curious. Would it hurt to put this off a week? Maybe we could look at this.

Commissioner Tornatta: I was just going to recommend we defer this for a week and make sure that all of the funding is in place, and that we can...I don't have an issue at that point.

Commissioner Nix: I think the key here, and at an ITAC meeting that we had last week was, I asked the question about, you know, they were talking about schedules and this, that and the other, my question to them was, when would the last phone be installed? The answer that I got, the long answer was, or, I guess, the short answer was three months. So, and that was the reason for the question, because the quicker we get this done, the quicker we get off the old system and get our cut lines free and all that, and get on the new system. The new system is considerably more economical.

Commissioner Tornatta: They've talked about that, I think the main point was, in the budget hearings we did talk about that on the Council. There was not an approval from the Council of going through with the process. Although, if we can approve by a GAN chart that we see that things are going to end up possibly even saving us money in this effort, then I don't see any problem with it. If it takes us a week, I think that that's very acceptable.

Matt Arvay: That's fine. That will give me plenty of time to get the necessary information to you in the format you've asked for.

Commissioner Tornatta: Okay, thank you.



President Musgrave: Mr. Arvay, can you refresh my memory. Exactly how much was this projected to save us over three years?

Matt Arvay: It was either 720 some thousand dollars over ten years, or the \$850,000. It was city-county, one or the other over ten years.

President Musgrave: So, a significant—

Matt Arvay: It was like 1.5 million for the city-county as a joint over a ten year period. The reason why we looked at it as a ten year period, because that's exactly what our phone contract ran, a ten year contract.

President Musgrave: So, we are looking at a significant savings, and the sooner we get started the more actively we will realize those savings?

Matt Arvay: Yes.

President Musgrave: I trust that your folks who are working on this won't slow down, even though we are taking an extra week to put the numbers on paper?

Commissioner Nix: I was going to say, with the new ITAC board, I don't think that's going to happen. These folks, I mean, this thing, and, of course, Mr. Williams back there has been voted in as the new president. So, we'll see that all that gets taken care of with Sheriff Williams.

President Musgrave: Again, it's a joint city-county project?

Matt Arvay: Yes.

President Musgrave: Even though the city chose not to lease their equipment, and chose instead to—

Matt Arvay: Out right purchase.

President Musgrave: —out right purchase. I think they realized a slightly larger savings than the county did. The county chose instead to go ahead and lease. But, I look forward to seeing your report. I can't quite recall, did we have a motion to table this or not?

Commissioner Tornatta: Yes, I moved to table this until next week.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

Ted C. Ziemer, Jr.: Excuse me. On that, I didn't notice, but this is on the consent agenda, so, you'll want to, before you approve the consent agenda, move to take this off.

Madelyn Grayson: And, we need to change the tape real quick.

(Tape change)

President Musgrave: Are we ready?

Madelyn Grayson: Yes.

**Board Appointments**

President Musgrave: We have some board appointments, a rather lengthy list. I'll defer to Commissioner Nix to go through those please.

Commissioner Nix: Okay, these are some new and some changed. I'll just start with the Commissioners. President Musgrave; Area Plan Commission, the Evansville MPO, GAGE and the Mayor's Education Roundtable. Myself; EARC, Economic Development Coalition, Old Courthouse Foundation, and Public Defender Board. Commissioner Tornatta; Central Dispatch, Coalition to End Homelessness, Community Corrections, Domestic and Sexual Violence, DRCC, and Southwestern Indiana Mental Health. Burdette Park Advisory Board, Suzanne Nicholson. This is for the Common Construction Wage Board at Ivy Tech, for an Ivy Tech project, excuse me, Paul Sowders. Construction and Roofing, Steve Heidorn, John Elpers and Jeff Hatfield. Domestic and Sexual Violence Commission, Holly Dunn-Pendleton and Laura Symon. Electrical Board, Randy Breivogel and Jerry Goedde, and Jim Rexing. Coalition to End Homelessness, Evelyn Hansen-davis. Hamilton Golf Course Task Force, Grey Meyer. Human Relations Commission, Jamil Wali. HVAC Board, Jeff Schneider, Bob Crow, and John Dillingham. The MWBE, Frankye Calloway, Darrell Ragland and Caroline Walters. We are waiting for a response back from Caroline on whether she will serve on that. The Old Courthouse Foundation, Kristen Tucker, Roger Lehman and Mike Buente.

President Musgrave: Is there a second?

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. I apologize for the feedback. I can't seem to locate the source of that. Mr. Duckworth says I skipped him on the department head reports.

**County Highway**

Mike Duckworth: I'm pretty easy to overlook. That's okay. Thank you. Mike Duckworth, Superintendent of the County Highway. I have two or three just updates on some things I want to make public at this time. First of all, to update the Commission on road closings, not much of that has changed at this time, but, of course, now that the rain has stopped, we could have some of our flooded areas recede, and the forecast for the river is for it to actually continue to grow. So, depending upon what area it's in will determine whether or not we open the streets. So, we've had a lot of calls with people wondering, Waterworks Road and South Weinbach, when they're going to be open. We just monitor those on a daily basis, and we do have some other areas in the Old Henderson Road area that we're

monitoring as well. So, as soon as the water gets off the roadway and there's safe passage, we'll get those back open for the public. In addition to that, now that the weather has turned cold, I would remind and ask the Commission to confirm an agreement between Vanderburgh County and Warrick County, that we've just received the signed document back from Warrick County, which basically states, and I think Mr. Ziemer crafted this, that Vanderburgh County will be responsible for all of Lynch Road, and Warrick County will take Oak Grove to the Burkhardt Road from the Warrick County line. So, I would ask you to confirm that. Just a couple of other items, those that have looked for our vehicle locator system on our website, we've had some glitches in that. We have to have some hardware updates, and those will be taking place the week of January 22<sup>nd</sup> through the 27<sup>th</sup>. So, we'll let you know next week if we can have that back on line. We're trying to do so. We do have and have requested a couple of employment changes due to a retirement, a promotion, and then one hire. Those are things going on at the Highway department, and ask for your approval of those matters.

President Musgrave: If all goes well in the testing and deployment of the AVL improvements next week, perhaps you can come back and demonstrate the AVL system for the board.

Mike Duckworth: With Mr. Arvay's assistance, I'm sure we can do that.

Commissioner Tornatta: Mike, I also want to thank you and your guys from the Commissioners. You guys set up the trailer, or got a trailer ready, worked with the city to get some sandbags just in case there was some flooding.

Mike Duckworth: Right.

Commissioner Tornatta: I think that's the least the county can do to help out the city in some of their areas.

Mike Duckworth: When Commissioner Nix and yourself called me, the thing I want to remind the public is, so we have to have those agreements between, not only the city and county, but other surrounding counties as well. As I told Bill, at 2:30 that night, myself, Eric Williams and Bill Nix, there was Ed Ziemer right there with us during the tornado on site. They were there to help us, and we should reciprocate. So, we're there—

Ted C. Ziemer, Jr.: I apologize that you had to put up with him.

Mike Duckworth: Well, it was the middle Ziemer. We're not saying smart or slow, it's the middle Ziemer, I guess. But, he was there for us, and the city has always been there to assist the county, and we want to be there for them as well.

Commissioner Nix: One of the things I'd asked Mr. Duckworth to look into is some type of a piece of equipment, and I don't think it would be ver expensive to purchase, is some thing that would fill sandbags, versus the old fashioned shovel and that. If you could maybe look into that and get back with us in a couple of weeks.

Mike Duckworth: We're looking at that. We did it relatively fast by utilizing a salt spreader. The old kind have kind of a trap door that you could funnel the sand through, and it worked very well. So, and then just good ol' hard labor.

Commissioner Nix: Yeah.

Mike Duckworth: And I watched every bit of it, I tell you that. Thank you.

President Musgrave: I'm just glad that you weren't here today to explain why you had to close Green River Road for flooding. We are, hopefully, by, John, is that by the end of this year going to be doing the.....no? Beginning of next year? Beginning of next year we'll be raising Green River Road and widening it. So, between now and then it's not allowed to flood. So, fill the sandbags. Alright, we move now, unless I've skipped any other department heads. I see no one. Ms. Spalding, are you here for...okay.

<b>New Business</b>
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President Musgrave: We move now to new business. I have one announcement that I would like to make. We got the legal notice of public hearing from the Indiana Department of Transportation about I-69 on January 18<sup>th</sup> from 5:00 to 9:00. The presentation itself will be at 6:30 in the Waldo J. Wood Memorial Jr-Sr High School at 943-945 South Franklin Street in Oakland City. This is to view and comment on the draft environmental impact statement for I-69 from Evansville to Indianapolis. So, I know that this is an important hearing. So, all of you who are interested, hope to see you on January 18<sup>th</sup> between 5:00 and 9:00 p.m. in Oakland City. Is there any other new business? I will hand you this copy of that.

<b>Old Business</b>
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President Musgrave: Moving on to old business, we have listed the Hamilton Golf Course Task Force. I had hoped that Councilman Tom Shetler, Jr. would be here today in order to explain the purpose of this task force, but he had another engagement and could not come. Basically, while he was Commissioner he wanted to set up a task force to examine the potential or opportunities that may exist for the Hamilton Golf Course property. Many people remember that the Hamilton Golf Course is built upon what used to be the Vanderburgh County Poor Farm. In, I believe, it was the very early 1970's, this property was leased to the Hamilton's under a very long term lease to operate a golf course. That lease has been extended at least one time, and is now set to expire in 2009. This task force will examine the county's opportunities with regard to that property, whether to lease it, not lease it, sell it, do any number of things on that property. Of course, the Hamilton's would be involved in that process. I'm looking to Councilman Shetler to lead that and come back and give us periodic reports. So, I just wanted to bring you up to speed on what task force was for. Is there any other old business?

<b>Public Comment</b>
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President Musgrave: Is there any public comment? Any member of the public here today to address the Commissioners? I see no one.

<b>Consent Items</b>
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President Musgrave: We have the consent items, which need to be amended, because we already passed one of the things. Are there any further amendments to the consent agenda? I see none. Is there a motion to adopt the consent agenda.

Madelyn Grayson: Withdraw the GIS payment?

Ted C. Ziemer, Jr.: Did you withdraw?

President Musgrave: Go forward.

Commissioner Tornatta: Okay. I would like to approve all the consent items, withdrawing the GIS payment request one and two for Keller Schroeder and Berbee.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Madelyn, you'll talk to Dave Rector about these microphones again, right?

Madelyn Grayson: Yes, it may require a call from one of the Commissioners, because, as far as the number of microphones that are on, I'm told there is not a solution for that, but I will talk to him about the feedback.

Commissioner Nix: There's four on right now.

Madelyn Grayson: You can't get any more than four on.

President Musgrave: Okay.

Commissioner Nix: I make a motion that we adjourn.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We will now commence with rezoning.

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

**CONSENT ITEMS:**

**Employment Changes:**

County Highway (3)	Burdette Park (1)	Public Defender (2)
County Clerk (5)	Auditor (2)	Center Assessor (1)
VCCC (4)	Superior Court (2)	DADS (1)
County Council (1)	Treasurer (1)	Sheriff Office (6)
Surveyor (1)	Pigeon Assessor (2)	Scott Assessor (1)

**Travel Requests:**

SWCD (1)	County Assessor (8)	Health Department (8)
Treasurer (2)	Commissioners (2)	Center Assessor (2)
County Highway (2)	County Engineer (1)	Pigeon Assessor (1)

**Commissioners:**

AMR Quarterly Report and Payment  
Harrison High School Letter  
Knight Township Fire Dept. CDBG Grant Fund Drawdowns No. 13 & 14  
Letter to WTH requesting transfer of documents  
Letter from Keep Evansville Beautiful regarding Alcoa grant application  
Department Head meeting notes: January 2, 2007

**Surplus Letters:**

Center Assessor (1) laser jet printer.  
Coroner: various items.  
Prosecutor: computers and printers.  
Auditor: various items.

**Auditor:**

A/P Vouchers: January 2007  
Waiver of Fees not OT for Centre: PERF meeting

**County Clerk:**

November 2006 monthly report  
Escrow payment for election equipment

**Sheriff:** Request to accept settlement agreement on vehicle accident.

**County Engineer:** Pay request No. 15: Burkhardt-Green River TIF: \$126,600

**Superior Court:** Indiana Criminal Justice Institute Grant.

**Department Head Reports:**

County Engineer	County Highway	Veterans Service
Supt. Of Bldgs.	Ozone Officer	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.
Madelyn Grayson	Stan Levco
William Rodenberg	Aimee Boyle
Trey Fullilove	Yelena Koshchiy
Tim VanCleave	Doug Knight
Others Unidentified	Members of Media

Troy Tornatta  
Marissa Nichoalds  
Emily David  
Reid Mobley  
Eric Williams  
Matt Arvay

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JANUARY 23, 2007**

The Vanderburgh County Board of Commissioners met in session this 23<sup>rd</sup> day of January, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: Good afternoon. I would like to call to order the January 23, 2007 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions on my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Daniel Kirby: Daniel Kirby, shadow.

President Musgrave: Daniel is at Central High School. Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

<b>Z. Tuley: Board of Finance</b>
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President Musgrave: Our first action item is to welcome Treasurer, Z. Tuley, to discuss the Board of Finance annual, required by statute, meeting. Ms. Tuley, do we also need to elect officers? Do we need to do that first?

Z. Tuley: Yes, that's what I've got first.

President Musgrave: Great.

Z. Tuley: Not on the money, though, Bill. Sorry about that. Yes, Indiana Code 5-13-76 and 7, states that we are to meet in January, and we are to elect a president and a secretary. Historically speaking, the president has been the Treasurer, and the secretary has been the Auditor.

President Musgrave: Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.



President Musgrave: All those in favor?

All Commissioners: Aye.

Z. Tuley: The other part of that law states that I am to submit the financial report. I'm happy to let you know that the investments yielded over \$3.9 million last year. The General Fund was \$2,976,299.95. Other designated funds was \$969,958.96. General Fund earnings are up, from 2005 where we had \$575,612, and the earnings have more than doubled since 2004 with a rise in interest rates. I'm also happy to report that bankruptcy filings are down. As you all may or may not recall, the bankruptcy laws had a major change in October of 2005, and we were flooded with bankruptcy filings last year. So, they are down from 797 filings in 2005, to 346 in 2006. Any questions about the earnings? Okay. I am happy also to report that American Financial Credit Service has collected, since March, \$920,178.95. This volume, I have given you some flow charts so that you can see, the number of entries is also just as important as the number in the dollars and cents, because with every entry that has to go through two or three hands in my office. The number of entries in that little flow chart is just astronomical. The volume has been way too much for our delinquent tax employee to handle alone. Not only has 100% of her time been devoted to the communications with this company, and the balancing and the updates, but the entire staff has had to assume additional tasks in order to assist Anna, in order to keep up with these collection efforts. I think that I should get a cut of this to put in some kind of tax and billing system future fund, hint. I could laugh, but I'm not laughing. I'm serious. I would, I think that something needs to be geared toward that. I wanted to let you know that the collections for this year, at, in 2006 settlement, is \$982,476.22. Compared to last year, \$385,000. I expect that AFCS will hit their million dollar mark by their one year anniversary.

Commissioner Nix: Z., how was that arranged. I know we signed a contract with them, I'm trying to think—

Z. Tuley: March.

Commissioner Nix: Was it March?

Z. Tuley: Uh-huh.

Commissioner Nix: Okay. Their cut on that was, they just get a specific cut?

Z. Tuley: An additional 25 percent charged to the delinquent tax offender.

Commissioner Nix: To the offender only?

Z. Tuley: The county gets 100 percent of collection and penalty.

Commissioner Nix: Right.

Z. Tuley: Or, 100 percent of tax and penalty, sorry.

Commissioner Nix: You talked about some money to go back into your department, what, just a round number, what are you thinking to help with this? Were you serious or not?

Z. Tuley: Oh, I'm serious about needing a new tax and billing system.

Commissioner Nix: Okay.

Z. Tuley: That will be multi-million, but I am serious. It would help with accuracy, redundancy, all kind of things. We have an old COBOL system that we've maxed out. We're out of room. We can't even be creative and add new things to it, because there isn't any place to put it. We need something Windows based. We need something a little more updated.

President Musgrave: Well, Z., we must be on the same wavelength, because it was just earlier today that I was speaking with Matt Arvay of Computer Services on this very topic. He said that he would like to hold a meeting with you and the Auditor, and go over what the options are. What kind of packages are out there.

Z. Tuley: Uh-huh.

President Musgrave: Whether or not any package would support the city and the county at the same time. So, I know that it's on his mind to get in touch with both of you.

Z. Tuley: I think there's a wonderful working system in, Hawaii?

President Musgrave: Hawaii? Well, I think the Commissioners will need to explore that option, and then we'll let you know if you need to go or not.

Z. Tuley: Okay, just kidding on that, but I am serious. We have really worked hard, and we have put a lot of blood, sweat and tears into this. I really would like for you to consider opening up a fund to work toward getting us something.

President Musgrave: Well, we'll have to all work with Council toward that end, but I know that having a system programmed in COBOL does not reflect the technology forward thinking that this county is accustomed to.

Z. Tuley: Correct.

President Musgrave: Alright, so, you've got a great report here.

Z. Tuley: Thank you.

President Musgrave: They are still collecting the delinquent personal property taxes, aren't they?

Z. Tuley: Uh-huh.

President Musgrave: Is that an annual contract? Are we going to have to redo that?

Z. Tuley: No, I don't believe it is. I believe it's, you can terminate it—

President Musgrave: Right, okay.

Z. Tuley: —upon a 30, 60 day notice, I believe it is.

President Musgrave: Okay.

Z. Tuley: I started to say 30, I think it's 60.

President Musgrave: Well, you let us know if that ever occurs.

Z. Tuley: Alrighty. We did go ahead and specific...last year we didn't have time to make the demands. The demands actually said, the notices said that there was going to be a collection fee of 30 percent. We didn't have time to get them made up to reflect the 25 percent, so it actually was less than what they were being told. Now, everything is accurate and updated.

President Musgrave: Alright.

Z. Tuley: Thank you.

President Musgrave: Thank you.

Commissioner Nix: Thanks.

<b>2007 Road Hearing Schedule</b>
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President Musgrave: Next on our agenda is to set the road hearing dates. Commissioners, I'll allow you to each propose your own dates. Go ahead District One.

Commissioner Nix: District One, and I need to verify this with Mr. Duckworth, if you've gotten it cleared.

Mike Duckworth: Yes, District One, Plaza School, February 8<sup>th</sup>, 5:30 to 7:00 p.m.

Commissioner Nix: Okay.

Mike Duckworth: That's been verified by the school.

Commissioner Nix: Appreciate that.

President Musgrave: And that is a change from the agenda. The agenda says February 7<sup>th</sup>. So, everybody should note that's it's moved.

Commissioner Nix: It's moved to Thursday, February the 8<sup>th</sup>.

Mike Duckworth: Thursday, February 8<sup>th</sup>, 5:30 to 7:00.

Commissioner Tornatta: Okay, District Two would be February 28<sup>th</sup> from 6:30 to 8:30 at Hamilton's Golf Course Club House.

President Musgrave: Were you able to confirm that that's handicapped accessible?

Commissioner Tornatta: It is.

President Musgrave: District Three will be held again at a public facility at Helfrich Park Middle School on February 21<sup>st</sup>, 5:30 to 7:00 p.m. As we announced last week, this is for road complaints. Could you elaborate on what kind of things we do at those hearings?

Mike Duckworth: Right. Just to let the public know, this format was set up a couple of years ago by the Commissioners to give county residents the opportunity to come and show us pictures, to tell us about problems with their roadways. We take that information, we have our supervisors and myself look at those areas, we consult with the County Engineer to assure the priorities of which and how many of those roads we can repair, or repave underneath, or within our budget. So, it's a priority system, depending upon what shape the roads are in and budgetary restraints. So, in the last two years, in 2005 we paved 29 miles in the county, and last year we did 35 miles. So, and, of course, this year, thanks to the County Council and the Commissioners, we'll be utilizing the new paver. So, we hope that it will be a good mix. The last one we had was for, we had it for 13 years, and this one was on it's last leg, so to speak, but we're extremely happy to have that piece of equipment. We're updating our equipment. We have safety measures taken for our workers on the roadway, which is very important to us. We don't want to be a headline like other communities have been because of drivers not watching out for our workers. So, we make that a priority as well. So, these hearings are their opportunity to come to the Commissioners, tell of their situation, we will put together a list from that, and then we will inspect the list, bring that list back to the Commissioners, and then have you to, ask you to confirm a list that we will complete that year. This does not include the patching and the potholes. We will do that, usually starting in March or April, depending upon the weather, and depending upon the availability of the mix, so that we can combat those smaller areas as well. We continue, as the year goes by, to put what they call a cold mix in. It doesn't adhere as well, but it does temporarily fix the areas until we can get into a season when it can be done in a better way. So, do you want to give your department head report while you're here? Or do you have anything?

<b>County Highway</b>
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Mike Duckworth: Yes, I just have, basically, one thing on the agenda today, and I appreciate you allowing me to do that. I have to drive to Indianapolis later this afternoon for some business. We have on the agenda today a request for the Commissioners to sign off on professional engineering services by Steven Hahn for a storage facility, it's a 14 bay storage facility that's going to be constructed on our facility. I believe you have those in front of you with, also with a resume showing the work that he has done in the past. I would ask for your confirmation on that please.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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

Mike Duckworth: Can I be excused, please?

President Musgrave: Yes, you can.

Mike Duckworth: Alright, thank you.

<b>2007 Girls in Bloom</b>
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President Musgrave: I want to take a couple of other things out of order. I noticed that we have the ladies and girls from Girls in Bloom here today. Rather than make you sit through all of the agenda items, I thought I would ask you to come forward now and tell us a little bit about Girls in Bloom and when it will be. If all of the young ladies would like to come forward too, I know everybody would like to see them.

Patty Avery: I am Patty Avery, Director of Girls in Bloom. Thank you so much for having us. Thanks for waiting on me to get here from a meeting at the bank. As you may have seen on the news last night, or this morning, we had our kick off press conference announcing our fourth annual Girls in Bloom. I did have to laugh, one of the stations mistakenly said the 24<sup>th</sup> annual Girls in Bloom. I thought, I'm not that old yet. But, it is indeed February 24<sup>th</sup>, that was the source of the date. As you see, our theme this year is, "Finding the Star in Me". We chose this theme, because during adolescence, many of our young girls lose their north star. They lose their sense of what they care about, what their goals are, and what's special and unique about them. Our goal is to bring them back to that. To give them a day where they can try a lot of new things in a safe, social environment. Once again, we want to thank you for your continued involvement. Commission President Musgrave was with us yesterday at our kickoff press conference. You're all heartily invited on February 24<sup>th</sup>, the day starts at 8:30 with registration, the workshops start at 9:00, and our lunch program is at noon. State Representative Crouch will be with us at lunch. She'll be welcoming the girls. She's continued as our Honorary Chair. She'll be able to make it. I actually already had voice mail today from some of the schools that received brochures. So, we are definitely up and rolling. As you may have read, we actually have media sponsors this year. So, we're anticipating an increased turn out for the year. Today I have with me Amy LoBue, who is the daughter of Dorie LoBue. Amy has been surreptitiously participating in Girls in Bloom since we started. This will be her first year, as a fifth grader, actually joining us in the workshops.

Dorie LoBue: She would like to say something.

Patty Avery: Oh, okay. Well, Amy would like to say something.

Amy LoBue: Thank you, Cheryl Musgrave, for putting this here. All the girls that come really like it, because I've been helping my mom some. I helped my karate teacher do demonstrations, and this year I'll finally be able to participate in it. All the girls, they really enjoy it. It just kind of helps them bring them out. They all just sit in the hall while they're eating lunch with their friends just laughing a lot. I think they really enjoy it. We couldn't do it without you. So, thank you.

Patty Avery: Thank you, Amy. With me I have Amy's mom, Dorie LoBue, and Anne Topper, and Laura Hobgood. Laura is with Ivy Tech, she's been doing a lot to help us on all of our publicity and our marketing. Anne has now taken over the program, and is doing a terrific job. As you may have heard, we've got 48 workshops planned. Dorie, as always, is taking on registration.

President Musgrave: Patty, just to confirm, these workshops are free?

Patty Avery: Are absolutely free.

President Musgrave: And, any girl—

Patty Avery: Even lunch is free.

President Musgrave: —any girl in the county, tri-state?

Patty Avery: In the tri-state.

President Musgrave: In the tri-state, how old do you need to be again?

Patty Avery: Fifth grade. Fifth through eighth grade. We're really encouraging the parents to come with the girls. We actually have a special area set up for parents called Café Mom and Dad, where they can relax, have a cup of coffee and kind of share some of the challenges that parents of adolescents face. We're very excited that the Women's Hospital is also doing their Day of Dance for Heart Health that same day. So, we'll be encouraging the mothers to take part in the free screenings and activities down there too.

President Musgrave: If a girls parents could not come, the girl is still more than welcome to come?

Patty Avery: Yes. They're welcome to come. Obviously, we encourage them to come, maybe a mom brings a girl and her friends.

President Musgrave: Okay.

Patty Avery: Because, and dad's come too, they do indeed.

President Musgrave: Okay, well, congratulations on your fourth annual Girls in Bloom. Once again I would like to challenge the guys in the community to come forward with a similar event.

Patty Avery: We have one on either side of you.

President Musgrave: I'm certain that we could find room on the Centre's schedule.

Commissioner Tornatta: We'll be working on the name.

Patty Avery: Okay, that's quite fair. We would be happy to share some of our expertise, but that's definitely your job to take and run with that.

President Musgrave: Well, we'll see you then at the event. Thank you everyone for coming.

Patty Avery: Thank you.

<p><b>Roger Lehman: Public Hearing Announcement: Mobile and Manufactured Home Anchoring</b></p>
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President Musgrave: I'm going to go ahead and take another item out of order and welcome Mr. Roger Lehman, Building Commissioner for the city and county, to do

the public announcement of a hearing concerning mobile and manufactured home anchoring. Mr. Lehman?

Roger Lehman: Thank you, President Musgrave and Commissioners. Just wanted to give the public a heads up, on February 1<sup>st</sup> at 6:00 p.m. at Central Library we'll be having a public hearing concerning the anchoring grant from the State of Indiana that we've been working on now for about six months. Everything takes a bit of time. We also are combining this hearing to include a community safe room. We have a local mobile home park owner who is willing to put up part of the funding for this. Then, also we have a project we've had for some time that's been kind of on the back burner moving up, which is public safe rooms in public parks. All these will be rolled into one on February the 1<sup>st</sup>. The general public is more than welcome. We are particularly interested if the residents of the mobile home parks could come. I've been out of town today, so, I haven't verified it, but we are working on a transportation plan to help some folks maybe come that couldn't come on their own, and we'll have more information about that. If anybody has any questions, they can call our office, the Building Commission, 436-7867, and we'll be glad to provide them with whatever information they need.

President Musgrave: Okay, thank you very much.

Roger Lehman: Thank you.

<b>Earthquake Preparedness Week Proclamation</b>
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President Musgrave: We are now ready to welcome Mr. Sherman Greer to present us with the earthquake preparedness week proclamation. Mr. Greer, if you could read the proclamation, please?

Sherman Greer: Oh, okay. Thank you for this opportunity.

"Vanderburgh County is located in the Wabash Valley and New Madrid Faults and experienced seismic events on June 18, 2002 and January 2, 2006. Disasters are a fact of life and will continue to threaten us in the future; and Vanderburgh County is vulnerable for many types of natural disasters and man made hazards; and, Whereas–

I forgot the "Whereas".

"Whereas, a long commitment of mitigation preparedness efforts by the public and private members of the local community will minimize the loss of life and property, while providing response and recovery efforts; Whereas, land use, new construction, retrofitting of existing structures, community education, information management are key components of the mitigation and preparedness strategies; and, Whereas the effort to reduce the loss of life and minimize the interruption of public safety, resumption of businesses, management of response and recovery in a timely manner continue as a top priority in the hearts and minds of emergency services personnel. Therefore, I, Cheryl Musgrave, or, you, Cheryl Musgrave, President of the Vanderburgh County Commission of Vanderburgh County, Indiana do hereby proclaim that February the 5<sup>th</sup> through the 9<sup>th</sup> of 2007 as Earthquake Preparedness Week in Vanderburgh County, Indiana."

President Musgrave: Is there a motion to adopt the proclamation?

Commissioner Nix: Move approval of the proclamation.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Sherman Greer: We do have a full agenda for that week. We are going to be have a lot of activities going on with the American Red Cross, Christ the King School, the Evansville-Vanderburgh County School Corporation, business and industry, the Disaster Recovery Business Alliance, and media coverage throughout that whole week as far as getting the word out on awareness for disaster resistance and preparedness. Okay?

President Musgrave: We can sign this now, if you would like to take it?

Sherman Greer: I would like to take that with me, if at all possible.

Madelyn Grayson: Sherman, would you mind having the Commission office make a copy of that, so I can have a copy of a signed one?

Sherman Greer: Sure, most definitely.

Madelyn Grayson: Okay, thank you.

Sherman Greer: No use in reading the proclamation without the whereas'.

Commissioner Nix: There's a lot of whereas'.

Sherman Greer: That's Ted's whereas'.

Ted C. Ziemer, Jr.: You did very well.

President Musgrave: Alright, here you go. I hope that you have a successful week, and that success includes no earthquakes, ever.

Sherman Greer: No earthquakes.

President Musgrave: Thank you.

<b>Holiday Schedules for 2008 &amp; 2009</b>
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President Musgrave: We now come to the holiday schedules for 2008 and '09. We were requested by the courts to plan these out, as they have to set their calendars quite far in advance. The calendars have been distributed. We've checked with County Council, and I know you were trying to check with the city, Marissa, what did the city say?



Marissa Nichoalds: I never did get a response from the city yet.

President Musgrave: Okay, so, we might have to come back if the city has a change, but we don't expect any. Commissioners, do you want to adopt the schedule as presented? Or, do you have changes?

Commissioner Nix: I just, would like to say, I think it was two years ago that we put out a survey, and this seemed like it fit for most of the department heads. We kind of wanted to get a feel, so, I'm comfortable with it. I didn't know if maybe next year we would want to look at that again, and maybe put another survey out to department heads? But, I make a motion we approve this schedule.

Commissioner Tornatta: Second.

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

All Commissioners: Aye.

President Musgrave: The motion carries. We will distribute this, and should anyone raise a concern that we would have wanted to consider, we'll bring it back to you. But, I don't expect any.

<b>NACo Prescription Drug Program</b>
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President Musgrave: We move now to contracts, agreements and leases. The NACo prescription drug program. I know we have Councilman Sutton here today.

Commissioner Tornatta: Before Royce gets up here, I would like to just set Royce up. Royce has been outstanding in bringing together a lot of different entities together to make this opportunity happen. Z. Tuley had brought, actually, to our awareness, while we were on the Council, that we ought to look at this program. It kind of took a couple of meetings and whatever, and after the Commissioners conference they did have a pretty lengthy idea and explained the program in a pretty good meeting. At that point we all kind of got together and decided that we should at least explore this, and had some committee meetings. So, I would like to thank Z. Tuley for bringing this to us, Royce Sutton for helping put it together. Mike Goebel was a big help in the process. Gary Heck from the Health Department, we'll hear from him, but he was outstanding in giving us some ideas on how this program could be implemented. Ted Ziemer from finding out some of the legal standpoints, and then Dominic Birk who put our Power Point together. So, thanks to Dominic, he did it on the fly, but he did an outstanding job of getting it going. So, Royce, tells us all about it.

Royce Sutton: Thank you, Commissioners. Royce Sutton, Vanderburgh County Council. Thank you for the opportunity to come and present for you today, and members of the audience, and the general public at large. We're pretty excited about a program that we are bringing to Vanderburgh County here in the coming weeks that will really significantly impact the lives of a number of individuals. I was doing a little research here recently and discovered that approximately 46.6 million Americans are without health insurance, and about 20 million of those are working Americans. So, hopefully, what we're doing today will be our little piece of a response to some of the issues that involve those who are without adequate health care. So, I've got, we've got a presentation for you today, and at the end of the

presentation you're more than welcome to ask any questions of myself, Councilman Tornatta, Gary, Z. is here as well. So, we'll be more than happy to respond to you. So, to just give you some general information about this program. Essentially, what this program is, the purpose of this program, the Vanderburgh County Rx program, is to provide prescription drug discounts to Vanderburgh County participants who are not covered under any private or governmental drug insurance program. Participants and their families will receive the discounts at no cost, and the program will be available to any Vanderburgh County resident. So, if we can go ahead and begin our presentation, we anticipate that the, each of those participants will receive a card that's similar to what we see there. It might be a little bit different, but if you can go ahead and advance forward, we'll talk about the program a little bit. The program essentially is a discount drug program. It is not an insurance program. It will help consumers to save money on their prescription drug medications. It can be used at any time the prescriptions are not covered by insurance. The cards will be free, and they will be distributed through several partnering organizations throughout the county. They may be used at any participating retail pharmacy. The discount cards are not insurance. They allow you to cover prescription costs for those medications that are over and above what you would not have covered under your insurance. We're anticipating the average savings, now this is based upon this usage of this program in other counties throughout the country, the average savings is about 20 percent on discount, on prescription drugs. In fact, the discounts could be more, depending on which pharmacy you may be working with, which particular prescription drug you might be working with, and the quantity that is purchased. Now, there's a possibility of an even greater than 20 percent discount through this program, if an individual participates in the mail service portion of this, which will enable them to get a three month supply of the medication. One of the exciting features of this as well, for some of our pet owners in the community, this program can be used for pet prescriptions. They can receive a discount from that as well. Now, who is this particular program for? Anyone in Vanderburgh County can qualify and utilize this prescription drug program. There is no age restriction, no income restriction, and even if you're covered by an existing health plan, you still can participate in this discount card program. There are no restrictions or limits on how often or the frequency of use on this program. So, if you need to go back several times, you've got a number of prescriptions, this card does not have a limit on how many times it can be used. Family members, you really only need one per family, but if you need to have more, they can make provisions for that. But, anyone in your family, whatever the makeup of your family is, can utilize that card. Again, it's the number of times that you may need to use that card. The cost? Unlike many other cards, there is no enrollment cost, and there is no membership fee. The cardholder pays a negotiated discount price or the pharmacy's retail price, whichever may be lower. There are over 57,000 participating pharmacies in this program, and it's accepted by many of the nationwide chains and the recognized names that we know out there; CVS, Walgreen's, Wal-Mart are all participants in this program. It also has some additional benefits, it has some safety alerts in this program. So, if an individual is taking a prescription and they come to get an additional prescription, this program will automatically trigger if there is an adverse reaction between those two prescriptions that may occur, and it will alert that pharmacist that this may not be the right combination to pull together. Also, it has a useful option that Medicare part D plan does not cover. Now, what is this organization Caremark? This is a, this particular program that we're talking about here would be in a partnership between Vanderburgh County, the National Association of Counties and Caremark. Caremark is a program administered, it's a leading pharmaceutical services company. They have broad experience in the discount drug business. In fact, our attorney here received a card here recently from another program administered by

Caremark. They negotiate with pharmacies to offer a discount off their retail prices. Most pharmacies contract to participate because it draws customers to their stores. Now, one of the concerns that we have often seen with identity theft going on that's rather pervasive in our community is how will the information that I share with this pharmacy and participating pharmacies, how will it be shared with others? The information that any client that they would share would remain confidential. It would not be shared for selling purposes, or for any other third parties involved with this. Now, how much does the plan cost? Your prescription discount cards are provided to you free of charge by the county. Does everyone in my family need an individual card? No, everyone in the family may use the same card, if they desire to do so. Can I use this card to get discounts on my pet medication? As we said earlier, yes, it can be used for pet medications or prescriptions. Now, I've just received my card, can I use it right away? Once the program is implemented, and we're anticipating within eight to ten weeks, if the Commissioners move forward with action today, that the cards that are received they can use them immediately, as soon as they receive them. If they lose their card, there's a replacement number, an 800 number, that's not a county number, but they can call this 877 number. It's a toll free number that allows them to replace that card. Can they use the cards to get discounts at over-the-counter products and non-prescription medications? That's not what this card is for. Can they use the prescription discount card with their current insurance benefit to reduce their costs? Your card cannot be used in conjunction with other insurance. However, you are able to use the card to purchase prescriptions that are not covered by these plans. To get a list of the pharmacies that actually accept the card, you've got the 800 number, there's also a website that individuals can go to to get that information. How much will we save? At least 20 percent. It could be more on other prescriptions. Will I always receive the lowest price? Yes, absolutely, you'll receive the lowest price that's available by the pharmacy. Can I find the discounted price of my prescription before going to the pharmacy? Because prices may vary from location to location, and because prices often change within the pharmaceutical industry, you may want to check once you get there. But, also there is a number at the web address that can give you an indication of what that will be. Why did the price of my prescription change since the last time I purchased the prescription? Again, drug prices are different from pharmacy to pharmacy. Each chain has different prices in the store, depending on the population that they're servicing. There will be brochures that give you an idea of what that savings will be. The mail service, if individuals want to participate in that, which I think is a tremendous benefit, this gives them an opportunity to get a greater quantity of their prescriptions at a greater discounted price. They can do that by applying through the site that we've got listed in the material here. The number, 877-321-2652, or the website. We've also looked at this in terms of trying to figure out what might be the most appropriate way to distribute these cards throughout the community. Because we want all county residents to participate in this program. These are the sites right now that we are looking at for the distribution channels. The Health Department will be the primary location where this program is administered and that the cards are distributed, but we've also provided for others, the County Treasurer through Z. Tuley is graciously providing us the support for this, Work Force One, and many others, the township trustees, the pharmacies. Actually, we have the Community Corrections and jail and Albion Fellows are some other distribution channels that we will have available. The Health Department, through Gary Heck, of course, coordinating the distribution, helping with volunteer resources. We anticipate at the early stages of this program there will be a number of people who want to get their card immediately, which that would be a good idea. They'll be helping to coordinate that volunteer program to get those cards distributed. Then the website, we want to place the information about this program on the county's website. So, an additional

tool, a resource that will be available for our residents to get information about this program. In terms of implementation schedule, before you today to present the contract between the county and Caremark, which upon execution of that would be submitted in approximately eight to ten weeks when we begin to receive our cards. During February and March we'll be providing or working on the promotional planning and our distribution channels. Then, in April, the cards, roughly April we anticipate the cards arriving. Then, this particular program, because it's not a new program per se, they are going to provide monthly reports back to the county regarding how many participants are involved with it here in Vanderburgh County, and what the net savings is from those who have used this program. So, you guys will have that in your hands each month. Okay, that is, that concludes the general information about it. Gary, I don't know, is there anything that I may have missed in this material from the Health Department side that we need to cover? Or, Z., since you were the one that discovered this program? Or, Troy, yourself?

Commissioner Tornatta: I think, the one thing, a couple of points we want to talk about, card distribution, we are negotiating with those outlets, and Gary is going to play the contact role to negotiate with those outlets to get those cards out. He will also be providing those volunteer resources, as far as if we're going to hand them out during tax time for those who are standing in line. Gary is going to try and work it out so there is somebody standing in the line asking people if they want to participate with the card. Gary said he would graciously do the program and update and any maintenance that had to be done he would take care of that on his side, and then he'll put a link on his website so that it will go to the Commissioners website, so that we can funnel people over to that if they have any other questions. We'll try and have, if we can have the power point up that would be great, but, if we can't, we'll try and have that 800 number, the NACo Rx number. Local pharmacies are also involved and we didn't get that on there. The county pays for this membership through their NACo membership, the County Council, the County Commissioners signed a contract to pay for it, and then the county pays for that. So, it's already paid for, so, it won't cost the county another dime on top of what we pay for already.

Royce Sutton: Putting on my County Council hat, that sounds very refreshing that the county will have no additional costs incurred by starting this program, even though a number of people will benefit from it.

President Musgrave: Mr. Heck, if you would please come forward and give the telephone number and the web address for folks who are interested in getting part of the program. While he's coming forward, for those of you who are watching in other Indiana or Kentucky counties, it's my understanding that NACo, which stands for the National Association of Counties, allows any county to participate in this program, but you do have to pay annual dues to NACo. So, if you're in Warrick or Perry, or Posey, or Gibson, your county commissioners or council could make the decision to join NACo, and then this program would also be at your disposal. Mr. Heck?

Gary Heck: The Health Department's phone number for this program will be 812-435-2468. The website isn't up and running yet, since we had to make sure that it actually was a program that was approved by the Commissioners. But, it will be up and running within the next few weeks, if you take positive action on it today.

Commissioner Nix: What would that address be at the website? Have you got that established yet?

Gary Heck: Well, the Health Department's address on the website is [www.vanderburghgov.org/health](http://www.vanderburghgov.org/health). Then there's navigational links on the left hand side of the page, and it will say NACo/Rx card program, or something to that effect.

Commissioner Nix: I guess, all the county, they could also link up with the Commissioners link and it would take them to the Health Department too?

Gary Heck: You could have links anywhere on any of the sites that you would like.

Commissioner Nix: Councilman Sutton, and Commissioner Tornatta, I applaud you and the people that worked with you, Z. Tuley, I think this is a great thing. You know, it's, I guess, it's been in effect for a while. I'm just tickled to death. I know that Commissioner Tornatta, I guess, about a month ago, back in December, when you were still on the Council, we discussed it then. So, appreciate your help in getting this thing together. This is a definite asset. I have, I guess, two questions, will this cover co-pays? I'm sure that's going to be asked. I didn't–

Royce Sutton: No.

Commissioner Nix: Okay, it's, not co-pays?

Commissioner Tornatta: It will not work in conjunction with any other insurance.

Commissioner Nix: Okay. Then, the other, you brought up a minute ago, the mom and pop pharmacies here in town. As they come on board they'll be listed on the website? Because there's a lot of people that use the corner drug store. I know those are getting fewer and far between all the time, but there still are some of them around.

Commissioner Tornatta: We're going to make calls to some of those. Some of them have already been notified. We'll make calls. The rest of them, there are approximately 57 pharmacies in our area. So, of those pharmacies, we figured eight to ten of them are mom and pop locations. So, we're going to personally make calls to those outlets. The rest of them will be handled by Caremark.

Royce Sutton: We'll make sure we keep that list updated on the website and in our material, so that people will know where they can use their cards.

President Musgrave: Well, I'm particularly enthusiastic about the pet prescription part of this.

Royce Sutton: I thought you might like that.

President Musgrave: I'm very excited. I hope to sign up as soon as you have a way to do that. I hope that you'll put the power point on line, and let me know when it's ready, because I'll sign up.

Gary Heck: They're really easy to convert to an Adobe PDF file that would be available. So, it won't be an issue.

President Musgrave: Before we change the tape, is there a motion to approve the contract?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you for your work on this.

Royce Sutton: Thank you.

President Musgrave: Thank you for spearheading the distribution in the Health Department, and we'll change the tape now.

**(Tape Change)**

Madelyn Grayson: Thank you.

**Sheriff: Farm Land Lease Agreement**

President Musgrave: Next item on our agenda is the farm land lease agreement for the balance of the farm land around the Sheriff's training center. That is farmed by the adjacent land owner. Is there a motion to approve the agreement?

Commissioner Tornatta: Motion to approve the agreement?

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Burdette Park-USI Bike Path 2007 Grant Application**

President Musgrave: We move now to Burdette Park. Mr. Steve Craig will come forward to discuss the application for funding for the bike path at Burdette Park that we are getting ready to send in.

Steve Craig: Steve Craig, manager of Burdette Park. What I have here is the 2007 Indiana Department of Transportation enhancement application. We've got it finished, and I'm in the process of turning it over to the Metropolitan Planning Organization and have them review it before we send it in. This application is for the USI-Burdette Park pedestrian bike and nature trail. At the present time we're getting our support letters in line from community leaders, state officials, local officials. If there's anybody from bicycle clubs, walking clubs, nature centers and that that want to support it, we are accepting letters at this time. We've had fantastic support. We've got some great letters. It seems like everybody's jumping on board on this. It's really a great project. Like I said, I'm in the process, I'm going to turn it in to Brad at the end of the day. That's where I'm at with that.

President Musgrave: Commissioners, it would be convenient for the application process if you would just make a motion to approve the application to the state and

federal sources that are available to us. Then, that way we don't have to worry about the deadlines conflicting with our meeting times.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>2007 Burdette Park Advertising Plan</b>
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Steve Craig: Okay, and did we want to do the commercial?

President Musgrave: Yes, please.

Steve Craig: Well, Marissa, is it going to be up there? This is going to be a commercial we've been working on for, we're going to do television, and then we're going to base some of it for magazines and newspaper articles.

President Musgrave: While the technician is getting it to play, we took a new approach this year with the...are you ready? Just one second. Traditionally, Burdette Park has done billboards and print advertisement in the newspaper, and Mr. Craig and I began to creatively think of new ways, and this commercial is the first of those new ways of getting out the word about how great it is to rent facilities at Burdette Park for your wedding, your company picnic, or just an evening in a chalet. So, if you'll go ahead and press play now.

(The Burdette Park t.v. commercial was shown.)

Commissioner Tornatta: Fantastic!

Steve Craig: Thank you.

President Musgrave: Alright, and we look forward to seeing the print ads that will go in some of the publications around the area.

Steve Craig: We're working with them right now on which ones to get them in. We're going to have them in there too. They will be based off of this. Use some of the same photography that we've used on that.

President Musgrave: Viewers of this particular government meeting, and perhaps other government meetings, might see this commercial quite often aired before and after, unless there's a sentiment for going to commercial breaks among the Commissioners, I don't think that you'll see it during.

Commissioner Nix: Maybe we could get a sponsor.

President Musgrave: We could get a sponsor. Well, thank you for the work that you've put in on this.

Steve Craig: Thank you very much.

President Musgrave: Do you have any other things to report for Burdette before I let you go?

Steve Craig: No, I don't.

President Musgrave: Okay, thank you.

<b>County Engineer</b>
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President Musgrave: Then I'll call for County Engineer, John Stoll. Mr. Stoll has the VC07-01-01, repair and repaving of roads in Bohannon Estates to award.

John Stoll: I would like to request that that contract be awarded to J.H. Rudolph in the amount of \$224,940. This is the Barrett Law project, and this bid price does fall within the estimates that were submitted in the resolutions.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: I've got a couple of other things. First, I have the IDEM notice of intent for construction letter for the Burdette Park-USI bike path project. I need your signatures on that. So, I would request that you approve that so we can send that off to IDEM.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last thing is in regard to the St. George Road bridge. Beam Longest and Neff was hired to evaluate what needed to be done on the rehab of that bridge. They came back with a report that I'd e-mailed to you that identified that it needed a new deck, it needed approach repairs and replacement, and it needed new guardrail and some erosion repairs. I would like you to authorize them to proceed with the final plans based on that inspection report that I'd e-mailed to you.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.



President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: In conjunction with that, their cost estimate exceeds what we had originally budgeted for on that project. So, I would like to request that you approve me to go to County Council to transfer \$150,000 from the Green River Road bridge number 711 account, to the St. George Road bridge account. The Green River Road bridge will not go out for bids until next year. So, those funds won't be needed. That's why I chose that account to make the transfer from.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

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

President Musgrave: Thank you, Mr. Stoll.

Ted C. Ziemer, Jr.: I like your new voice.

John Stoll: Good Colts game. I had to do my part of the 57,000 making the noise.

<b>Semi-Annual Report: Knight Township Fire Department CDBG Grant</b>
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President Musgrave: We have the semi-annual report, is there anyone here, Ms. Nichoalds, to actually read that report?

Marissa Nichoalds: No.

President Musgrave: Or should we just adopt it?

Marissa Nichoalds: Ted has reviewed it, but other than that, no one is here.

President Musgrave: Mr. Ziemer, does she say anything in her report that needs to be aired?

Ted C. Ziemer, Jr.: I don't think so. It's just a report of where they are in terms of spending the funds, how much remains unspent, and that everything is on schedule.

President Musgrave: Is there a motion to accept the report?

Commissioner Tornatta: Motion to accept the report.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Attorney</b>
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President Musgrave: Department head reports, Mr. Ziemer?

Ted C. Ziemer, Jr.: I don't have anything.

President Musgrave: (Inaudible).

Ted C. Ziemer, Jr.: No, Nextel? No, not today.

<b>Superintendent of County Buildings</b>
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President Musgrave: Ms. Nichoalds, do you have a report?

Marissa Nichoalds: I just have one item. We received a letter this week stating that there was a check for the Commissioners office for \$520.12 for restitution. It looks like it was for some guardrail damage requested by the County Highway. So, I just wanted to add that and submit it to the County Auditor to be quietused.

President Musgrave: Is there a motion?

Commissioner Nix: Motion to accept.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Any other department head?

<b>Chief Information Officer</b>
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President Musgrave: Mr. Arvay?

Matt Arvay: Good afternoon. Matt Arvay, Chief Information Officer for Vanderburgh County. It came to my attention today that there's going to be a hearing on Monday, February 12<sup>th</sup> with the Senate Economic Development and Technology Committee on Senate Bill 461. To give you a little background, in 2005 the State of Indiana was able to fly a statewide project for aerial photography. It was funded through federal Homeland Security Grant monies. Various communities were able to buy up, which we were one of them, for a significantly reduced cost. That was split between the city and the county. That information was delivered in the beginning of 2006. That aerial photography now is incorporated into all of our county and city websites, used by our departments daily. The only down side, if there was any downside, it was a one time project. What this Senate Bill 461 is, is basically to support the principles

of almost like a revolving fund that the State of Indiana is able to acquire funds and routinely do new flights, maybe even work with creating a framework data, like elevation, water, maybe even parcels down the road. So, basically, I wanted to come and ask for your support, maybe contact any of your contacts in Indiana. It's been, GIS in general has been a very positive, made a positive impact in Vanderburgh County. I think that if there's anyway we could offset some costs to the State of Indiana, it would be very beneficial.

Commissioner Nix: I'm just wondering, with a letter to, I guess, the appropriate people up state, is that basically what you're asking for today?

Matt Arvay: Yeah, I have some information. I'll forward an e-mail to each one of you, and anything that you could do to help this bill would be greatly appreciated, I think.

President Musgrave: We can get a letter drafted between Ms. Nichoalds and Mr. Arvay, and if you want to go ahead and approve signing it, of course, you'll get the opportunity to read it and make comments on it, then we can get that up to there and have our lobbyist take that to the committee and read it.

Matt Arvay: That would be great.

Commissioner Nix: I make a motion that we approve.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Arvay, if you could get a draft of a support letter to Ms. Nichoalds as soon as possible, that will speed things along the way.

Matt Arvay: Okay, thank you.

President Musgrave: Alright, thank you. Any other department heads? I see no one.

<b>Board Appointments</b>
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President Musgrave: We move now to board appointments. We have one appointment to make today. Mr. Greg Meyer to the Pigeon Creek Greenway.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>New Business</b>
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President Musgrave: Next, on new business, I will confess to confusing the February 6<sup>th</sup> meeting with the March 6<sup>th</sup> meeting. I thought that the road school was on February 6<sup>th</sup>. So, when Mr. Nix said that he was not going to be able to make it that day, I assumed that we would have to cancel that meeting. Now, the expectation among all of our department heads is that we're having no meeting on February 6<sup>th</sup>. So, I offer that still as an option. We could still cancel that meeting. But, we definitely are going to need to cancel the March 6<sup>th</sup> meeting, which is the actual date of Purdue's road school. Commissioners, what would you like to do?

Commissioner Tornatta: I'll only say that I will be happy to be here, but I think that we have department heads that were expecting that that meeting was not going to be on the 6<sup>th</sup> of February. So, in any event that we would have nobody here to give us reports, maybe we should just go ahead and cancel that meeting.

President Musgrave: Okay.

Commissioner Nix: Is that a motion?

Commissioner Tornatta: In the form of a motion.

Commissioner Nix: Second.

President Musgrave: Does your motion include the March 6<sup>th</sup> meeting as well?

Commissioner Tornatta: The March 6<sup>th</sup> will be cancelled because of road school, which I think I will be attending as well.

Commissioner Nix: I'll second that too.

President Musgrave: Alright, all those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. I'm sorry for mentally messing up on when the road school was. Next, Ms. Nichoalds would like to announce the next county surplus auction. She's been working rather hard on this.

Marissa Nichoalds: Yes, the next county surplus auction will be February 7<sup>th</sup>, that's a Wednesday. It will be at the Vanderburgh County 4-H center this year. The program will start at 10:00 a.m. We have a lot of items covering a wide range of types and sizes to be auctioned off. So, it should be a pretty good sale.

President Musgrave: I know that Sheriff Williams is here, and this auction time frame got set in motion when the Sheriff determined that after many years of not auctioning off unclaimed personal property that has been seized or otherwise coming into the hands of the Sheriff, it was time to clear out the store rooms of that. So, there's all kinds of things coming from the Sheriff's Department, and, I believe that we'll be posting that list on the Commission website, and you might want to post it on your website as well. Plus, we have the normal, standard county surplus items, filing cabinets, desks, computers and other items that are no longer used here in the Civic Center. So, we'll look for you February 7<sup>th</sup> at 10:00 a.m. at the Vanderburgh County

4-H center. We've covered all the new business, unless there is any other new business?

**Old Business**

President Musgrave: Is there any old business?

**Public Comment**

President Musgrave: Is there any public comment? Anyone here to address the Commissioners? I see no one.

**Consent Items**

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

Madelyn Grayson: I did have one addition, the January 16<sup>th</sup> rezoning minutes are also available for approval, if we want to add those to the consent items.

President Musgrave: Please make your motion include the rezoning minutes from last week.

Commissioner Nix: So moved.

Commissioner Tornatta: Second, and I just would like to thank Matt Arvay for coming by the office and bringing all the important documentation on the new telephone system. Although we will see a rise in what we're paying for the first few months, as we went over, as long as things are like we anticipate and we get moving with this project, we should see a drastic savings in this bill. So, I appreciate you waiting with me one week to get me caught up on what had been established so that I can understand and put my Council mind at ease. So, anyway, thank you for that, and I second the motion on the consent.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Final Reading: VC-1-2007: Petitioner: Spurling Development LLC  
Address: 5103 Spring Valley Drive  
Request: Change from AG and C-4 to C-2  
Action: Approved 3-0**

President Musgrave: We will not adjourn at this point, we have to do final action on rezoning ordinance VC-1-2007. Happily, the folks from Area Plan are here and can now come forward to take us through that.

Bev Behme: (Inaudible).

President Musgrave: We do have the first item on the agenda is to approve the minutes, but I believe we just approved those as part of the consent agenda, right? Okay. Oh, that's the wrong agenda.

Bev Behme: Good afternoon, Commissioners. VC-1, excuse me, 2007, 5103 Spring Valley Road. Spurling Development is requesting to rezone two parcels located at 5103 Spring Valley Drive to C-2. The 1.16 acre site located north of Spring Valley Road is requested to be rezoned from agricultural to C-2. The 3.22 acre site along the south side of Spring Valley Road is proposed to be down zoned from C-4 to C-2 to allow expansion of the apartment development. Both sites are adjacent to existing retirement housing. As part of a settlement agreement between Mr. Spurling, Broadway Summit LLC and Vanderburgh County, perpetual and non-revokable access easements must be dedicated between Heritage Park Subdivision and the Schnucks development. The perpetual access easement is required to eliminate the need for the construction of Cullen Avenue between Davis Lant Drive and Spring Valley Road. This is a petition to rezone C-4 and agricultural to C-2, a commercial classification which will allow construction of apartments, a residential use otherwise prohibited in the existing zoning district classifications. The site is within an area designated as commercial within the comprehensive plan. The surrounding area is completely commercial, with mixed commercial and high density residential uses. This down zoning from existing heavy commercial designation, to the lighter commercial, C-2 designation, and the rezoning to C-2 of a small, undeveloped parcel surrounded by commercial zoning is consistent with the overall development plans for the area, and is consistent with adjacent commercial and residential development. On January 11, 2007, the Area Plan Commission voted seven yes and zero no, and zero abstentions to recommend approval. This petition was continued from last week to allow an amendment of the access easement agreement required by the County Engineer and the County Commissioners.

President Musgrave: Does the petitioner have any remarks to make? Please come forward and state your name for the record.

Andy Spurling: Hi, Andy Spurling of Lakeside Development and Spurling Properties. I have been working with our attorney, Les Shively, and Mr. Ziemer to get the executed document. Can I bring this up? That's the photo copy. I've got the original.

Ted C. Ziemer, Jr.: Madam President, what I've been presented with is a copy of the amendment to cross easement agreement, which is satisfactory to make the cross easement perpetual. It is a copy of the executed copy. Mr. Spurling has the executed copy, which you will now proceed to have recorded?

Andy Spurling: Yes.

Ted C. Ziemer, Jr.: That will take care of this matter.

Andy Spurling: Would you like me to forward you a recorded document number?

Ted C. Ziemer, Jr.: Please.

Andy Spurling: Okay, I'll do that.

President Musgrave: Alright, since this is a continuation of a rezoning. I'll call again for remonstrators. Are there any remonstrators on this? I see none. Are there any questions from the Commissioners? Do you have any final remarks to make?

Andy Spurling: I think that will do it.

President Musgrave: Okay, is there a motion to approve?

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Andy Spurling: Thank you.

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes. Show the rezoning as approved.

Andy Spurling: Thank you.

President Musgrave: Thank you. Unless there's any further business to come before the Board of Commissioners, I'll ask for a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:32 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Auditor (1)	Circuit Court (1)	Co-Op Ext. (1)
County Clerk (1)	Center Assessor (1)	

**Travel Requests:**

County Commissioners (3)	County Engineer (1)
Weights & Measures (1)	

**Commissioners:**

Approval of January 16, 2007 Commission & Rezoning Meeting Minutes.  
Substance Abuse Council Minutes.  
Legal Aid Society: December 2006 Statistics  
GIS Pay Requests #1 & #2 for Berbee & Keller Schroeder (Phone System)  
Evansville ARC Monthly Report: December 2006.  
University Parkway Phases II & III Project Update: Bernardin Lochmueller  
Department Head Meeting Notes: January 16, 2007

**Auditor:**

Permission to Advertise 2007 Statement of Receipts and Expenditures.  
Surplus Letter: Filing cabinets.

**Purchasing:** Monthly Report: December 2006.

**Treasurer:**

Year-to-Date Report: December 31, 2006.  
Monthly Report: December 2006.

**Sheriff:**

Federal Annual Certification Report.  
Surplus Vehicle Requests.

**County Engineer:** Pay Request #16: Burkhardt-Green River TIF Projects.

**Weights & Measures:** Monthly Report: 12/15/2006-1/15/2007.

**Department Head Reports:**

Burdette Park	County Engineer	Ozone Officer
Supt. Of Bldgs.	Veterans Service	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Z. Tuley	Mike Duckworth
Patty Avery	Dorie LoBue	Amy LoBue
Roger Lehman	Sherman Greer	Royce Sutton
Gary Heck	Steve Craig	John Stoll
Matt Arvay	Bev Behme	Andy Spurling
Daniel Kirby	Others Unidentified	Members of Media



**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
FEBRUARY 13, 2007**

The Vanderburgh County Board of Commissioners met in session this 13<sup>th</sup> day of February, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: Good afternoon. I would like to call to order the meeting of the Board of Commissioners of Vanderburgh County for February 13, 2007. 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.

President Musgrave: Cheryl Musgrave, County Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

<b>Permission to Open Quotes for County Commission Title Searches</b>
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President Musgrave: I think I just got a splinter on this. Okay, is there permission to open the quotes for the County Commissioners title search?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Nix: Madam President? I'm just curious, do we have minutes of the previous meeting?

President Musgrave: We do. We have put them under the consent agenda.

Commissioner Nix: Okay, alright. Thank you.

President Musgrave: I believe we received a quote. Do you have that available? Right there, okay.

**Torian Hofmann Dillow & Flittner Insurance Report**

President Musgrave: First action item is Torian Hofmann Dillow and Flittner insurance report. Mr. Bob Dillow is here. These are the county's insurance agents, and I believe this is your annual update.

Bob Dillow: Yes.

President Musgrave: Thank you.

Bob Dillow: Thank you very much. First of all, I'm Bob Dillow. I'm here with my partner, Greg Hofmann. We've been handling the county's insurance, this will be now the beginning of our third year. The policy actually renewed February 1. It is, it continues to be with Alternative Market Specialists. They have been handling your insurance for several years now. A couple of important points, since we've started, the property values have increased approximately 22 ½ percent, representing an increase in property values of \$35,741,576. During that same time period the insurance premiums have steadily dropped. They're approximately \$50,000 less than when we began. That's done, of course, through a competitive bidding process, and holding an insurance company's feet to the fire on their quotations. The current amount of insurance for all of your property, which includes your buildings, contents, equipment and vehicles is now \$195,741,576. The payroll that we use to calculate your worker's compensation premium was increased by three percent this last year. We were able to increase what's called the aggregate excess liability portion of your policy by an additional half million dollars at no additional cost. This particular limit comes into play if you ever exhaust your loss fund. There's a \$100,000 deductible per claim. You start subtracting that amount from a loss fund of approximately \$800,000. If, in fact, that loss fund would ever be exhausted, which has never happened, you then go to this aggregate excess liability that used to be a half million, and can then tap it with no more deductibles until you exhausted the half million. Now you can go to a full million dollars before any additional deductible would start over again. The only reason, truthfully, they gave us this additional half million dollars of coverage, is because it's never happened. There's never been a claim. You have never been close to exceeding your loss fund. Of interest, we were able to purchase, when we started sexual harassment coverage, but we were only able to obtain a limit of two million dollars. This year's policy that has been increased from two million to six million dollars. Those are the changes that took place in this year's policy. Your third party administrator, Alternative Service Concepts, offered their fee structure for this year, and they have again reduced their fee. This year their fee is \$61,351. When we started in 2005 that fee was \$72,812. So, in our two years the fee has dropped by \$11,461. Now, as a reminder, it does concern us that the amount of earthquake insurance we carry is capped at a \$50 million limit. As you are aware, earthquake coverage is difficult to obtain. We are continuing, as we always do, to try to find additional coverage. This might be a good year with the fact that we are now again under budget, again to determine if we could consider finding earthquake coverage. So, if we can, we will come back to you with a recommendation that higher earthquake limits are available and ask for your thoughts on it at that time. Another item that we would like to consider during this next year is the amount of property insurance. We have been increasing it by an inflationary increase that represents what is estimated to be the replacement costs increase, the cost of construction, from last year to this year. The last time any of your buildings were professionally appraised, I would say is possibly 13 to 15 years ago. At some point in time it would be advisable to consider a professional appraisal

on your properties to make certain that we're either insuring you to an adequate amount, and also to make sure we're not over insuring your properties. So, as we develop some recommendations we would like to come back to you with that as an additional subject. Are there any questions?

President Musgrave: Well, congratulations on reducing the premium again. Thank you for the report. I'll look forward to your additional reports regarding appraisals and earthquake insurance. Commissioners, do either of you have any questions?

Commissioner Nix: I guess, I do have one question. On the professional appraisal, is that something you're going to just come back to us with some recommendations on?

Bob Dillow: Yes, we are.

Commissioner Nix: In the next few months?

Bob Dillow: Yes, we are.

Commissioner Nix: Alright. I just wanted to make sure of that. Okay.

President Musgrave: Thank you very much for coming.

Bob Dillow: Thank you all very much.

<b>Area Plan Commission Annual Report</b>
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President Musgrave: Next on the agenda is Mr. Brad Mills for the Area Plan annual report.

Brad Mills: Good afternoon. Brad Mills, Area Plan Commission. I've distributed to the Commissioners and one for the record, we do have this report that I've passed out on our website at [evansvilleapc.com](http://evansvilleapc.com). So, those at home can get on the website and check that out and take a look at it. I've got a Power Point with a few of the highlights of that report. So, if you don't mind I'll go ahead and start that. Go ahead and hit next, that's fine. Okay, the annual report, basically, covers the data that we have on zoning subdivision permits filed in 2006. It also looks at development trends, and then it talks about special projects, such as items as updating GIS layers and things that we're doing throughout the year other than normal permit business. Go ahead. The development activity remains steady from 2005. We did have a peak of our activities in the 1990's, and most of the new subdivisions and housing is located in the county. Go ahead. Take a look at the subdivisions we had filed, the majority of those were in the county, we had 34 that were filed in the county for a total of 43, those that were recorded, which can take anywhere from two to four months for a subdivision to be approved after it's been filed and then recorded. We had a total of 43 as well. If you look down the page, I'll just do the totals on rezonings, we had 42 for the city and county combined. Special uses were 35, variance requests were 94, with the majority of those in the city. Total improvement location permits, which includes requests for remodeling, for new houses, and for things of that are 1,928. Total fees collected were over \$173,000. Go ahead. Take a look at this, I won't go through all this, I know this is a large table here, but these are the APC improvement location permits. If you notice the top one is single family units, which would be a home. In unincorporated Vanderburgh County in 2005 we

had 457, in 2006 that dropped to 341. So, we are being affected by the housing market which has slowed over the past year. Total permits in comparison for the total city and county was 553 in 2005, and 410 in 2006. Going down just to the bottom of the page, I'll let you all look at the rest of that, but you can see total permits was 1,930, and that was in comparison to 2,227 from 2005. Housing unit permits, this shows, based by the township, you can see that Center Township is the highest area unincorporated at 227 total, 158 of those were in the county, and 69 in the city. That was a reduction from what we had in 2005, which was a total of 322 for single family, and then three for multi-family, or 48 for multi-family, excuse me. Looking on down, we also had a relatively high in Perry, which was at 65, and that was a reduction from last year as well. Totals down at the bottom, Evansville was 212, unincorporated 390, for a total of 602. Okay. Location of type of unit permitted in 2006, the total units permitted we had 65 percent of those were in the county, 34 percent in the city. The type of total units permitted was 68 percent was single family, with 83 of those, 83 percent of those single family in the county, and 32 percent, multi-family was 74 percent of the multi-family in the city. This is a graphic showing the typical growth, or the growth areas that we have. As you can see the highest level of activity is in green, and that was in Center Township, with the moderate levels being in Scott, Pigeon and Perry Townships. Okay. Total acreages of approved rezonings and recorded subdivision data, you can see that agricultural we had 58 plus acres zoned, single family was one, multi-family was 76, and all the way down for a total of 302 acres that were rezoned, in comparison to 183 from 2005. Recorded subdivisions, we had 484 in 2005, 42 on this graphic, total number of lots was 648 in 2005, and 533 in 2006. Total acreage then for 2005 was close to 370, and about 356 for 2006. Also, down at the very bottom of that you can see that currently we're holding letters of credit, we hold all the letters of credit for improvements that are public improvements to be put in place, those would be items like water/sewer improvements, drainage improvements, streets that need to be constructed, that would then be turned over the utility or to the city and county. We are holding one point, excuse me, \$12.1 million in letters of credit at this time. I believe that was it. I would be happy to answer any questions you might have. If you have a chance to look at that report, it has a lot of other information. I would be happy to answer any questions. You can call my office, or folks can e-mail us at our website.

President Musgrave: What is that address?

Brad Mills: Evansvilleapc.com. We have on that website a place to contact us at evansvilleapc.com.

President Musgrave: Okay, Commissioners, are there any questions? Alright, thank you very much for the report. It was very helpful.

Brad Mills: Thank you.

<p style="text-align: center;"><b>First Reading of Ordinance CO.2-07-003:</b> <b>An Ordinance Concerning the Creation of the Greenway Advisory Board</b></p>
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President Musgrave: We move now to the Pigeon Creek Greenway ordinance. I understand that we have Kevin Winternheimer, the City Attorney, and Gail Riecken, Director of Parks. This ordinance is an inter-local, Mr. Ziemer, is it an ordinance or an inter-local agreement?

Ted C. Ziemer, Jr.: It's an ordinance establishing an inter-local agreement.

President Musgrave: Okay. I understand that it was introduced into City Council last night?

Kevin Winternheimer: That is correct. For the record, I'm Kevin Winternheimer with the City Attorney's office. Yes, it was introduced last night. It is set for final reading on the 26<sup>th</sup>, if that's a Monday, of this month. What you have before you is a formal written agreement establishing a Greenway Advisory Board. The current board that we have has worked very diligently, very hard and made much progress, however, we've never really had a formalized agreement showing the commitment of the county and the city to this project. That's what this does. It establishes the board, outlines their duties and responsibilities, how donations/money are to be handled, if it's a city donation versus a county donation, and I think will answer questions and provide the basis for an on-going relationship for the city and the county in a commitment to the greenway. We have asked, and I understand that you have incorporated into your latest version two slight changes. At the request of the Controller, in section 5.04 and in article six we substituted the City Controller for the Parks Department. In the area of donations they wanted the money to go first to the Parks Department so they can do their accounting, whatever needs to be done, then it is transferred to the City Controller, if it's a Parks Department (Inaudible).

Ted C. Ziemer, Jr.: Actually, you said those in reverse. You substituted the Parks Department for the City Controller.

Kevin Winternheimer: You are correct. That's what we did.

President Musgrave: As an ordinance, Mr. Ziemer, does this have first reading today and then final reading next week?

Ted C. Ziemer, Jr.: It can have. I mean, first reading today, yes.

President Musgrave: Alright. Commissioners, do you have any questions about the ordinance? If there are no questions?

Commissioner Tornatta: I move that we accept the ordinance as written.

Commissioner Nix: Second.

President Musgrave: If this is a first reading I'll call for the vote, and then call roll. All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. So, we'll have this on for second reading next week. Let us know if there are any further changes that come to your attention.

Kevin Winternheimer: Thank you.

President Musgrave: Thank you for coming.

**Quote for Camera in Room 301: Deferred**

President Musgrave: Next on your agenda was the quote for the camera in this room, room 301, but I understand that that quote is not ready in its entirety. So, we will probably hear that next week.

**Consideration of Reinstatement of Criminal Justice Planning Commission**

President Musgrave: So, at this time I would like to welcome Sheriff Williams. He has a letter asking for the reinstatement of the Criminal Justice Planning Commission.

Eric Williams: Thank you, Commissioners. Sheriff Eric Williams. I believe all of you were given a copy of the letter, I addressed one to every one of you, along with all the members of Council and several other key people in the criminal justice system, the people I refer to as stakeholders in our criminal justice system. Basically, the letter was asking for participation in what I would call the reconstitution of the Criminal Justice Planning Commission, or committee, or the name's not all that important. I'm trying to avoid using the words blue ribbon, much as you suggested also. But, you know, I think it's a very important committee to have in place. It had been in place several years ago as we prepared to move to a new jail, discussion of a new jail, and lot of things were accomplished. Now that was accomplished because of open forums, communications and talking amongst everybody. Really I'm here to answer questions, I've gotten good feedback from the majority of the people I'd sent the letter to and their plans to participate in it. The first meeting is scheduled for next week, at that meeting I hope to facilitate some discussion about the role of that committee, whether or not to formalize it and come back to you and ask for it to be put together in the form of an ordinance and an official standing committee of the county, or to keep its informal status. I've done quite a bit of research and information that I want to pass on to those people that are going to participate and the importance of the communications and the dynamic it can create and the efficiencies it can create within the criminal justice system. Obviously, this is important to us. As the Sheriff, I'm purely the innkeeper of the jail, but we feel the day-to-day pain of it being crowded. As it continues to crowd, it seems to me that as opposed to allowing it, the problem to fester, as it did in the past, that we get on top of it as early as we possibly can and look for all the possible solutions and resolutions there may be to at least keep the crowding level at a manageable number, or to make decisions on how we want to proceed in the future. With that I would be happy to answer any questions you might have.

Commissioner Nix: Sheriff, I'm just curious, you'd mentioned formal or informal, do you have a preference at all? I mean, if it's formal it's more structured with an ordinance and all that. If it's not, then it's—

Eric Williams: There are pros and cons to both of them. Obviously, a formal organization would require media presence and public notice and those kinds of things. Which is not a bad thing by any stretch of the imagination. In some respects it's probably a good thing. The problem that we saw in the past was that a lot of times people don't bring their wildest ideas to the table if they're afraid that they're

going to be misquoted by the newspaper or a media outlet and taken out of context. Sometimes that would occur. I don't know if that's a good reason to not make it a formal one or not, but that happened. I can just tell you from past experience when the media was present, the meeting was quieter, and less things were brought to the table. When the media wasn't present, they became much more lively discussions. So, I think that's probably the bottom line other than the formality of it and having specific appointments, people that are tasked with being on that and being able to report back to this body on a formal basis as opposed to informally.

President Musgrave: Even for all of us to attend next week's meeting, which is characterized as informal, we'll have to alert the media, as would any other—

Eric Williams: Sure.

President Musgrave: —quorum of public officials.

Eric Williams: Sure.

President Musgrave: I know that you've invited County Council as well. So, I know I intend to go, and, I guess, I would like to know, it looks like we're going to be alerting the media to that.

Eric Williams: That's fine. That's how it works. I want people to be there. I want people to talk. I want people to understand the problems we're facing. You know, one of the common things that occurred is that one segment of the criminal justice system can make a very minor change that can have a huge impact, positive or negative across the system as a whole. If we can discuss those changes amongst ourselves in advance of the change, we can either say, you know, that may not be the greatest idea in the world, or that's a fantastic idea, let us prepare for it so that we can help enable that to be a success. You know, those are the kinds of things we need to have. So, the more the merrier. I mean, I would like as many people to be there as possible.

President Musgrave: I lean toward the idea of a formal structure. Wild ideas can always come out in smaller subcommittees.

Eric Williams: Sure.

President Musgrave: So, that wouldn't suppress it, in my opinion. But, opening the door for the media to come, sometimes having media there and making the meeting quieter is a good thing. So, it's not always a bad thing. But, anyway, I'll see you there next week. I personally support this, and I'm glad that you brought it to our attention. Are there any other comments?

Ted C. Ziemer, Jr.: Just relative to this informality versus formality. Who would name the members of this group?

Eric Williams: Originally when the Sheriff's office asked to do this several years ago, we presented it to the Commission at the time and we had talked about enacting an ordinance that specifically listed those who would have a position on it, much as the ITAC board here does—

Ted C. Ziemer, Jr.: Right.



Eric Williams: –or any of the other boards that serve as recommending, this organization has no formal authority. It is more just an organized body of people to share ideas, communicate and make recommendations to the funding body and the administrative body. On the city side too. I mean, they're impacted by this equally. Maybe not equally, but there is an impact.

Ted C. Ziemer, Jr.: What I was going to point out is that regardless of the formality of it, if an entity is, a committee is created by an entity which is subject to the open door law, then that committee is also subject to the open door law. So, if we, for example, created a very formal committee and spelled out, by ordinance, who was to be on it, and that committee then named a sub-committee, that sub-committee would also have to meet the requirements of the open door law.

Eric Williams: There again, I have no real preference. I think there are pros and cons to both of them. Quite honestly, I welcome the media, any crazy ideas I have, you know, print them and then I'll get beat up for them later.

Commissioner Tornatta: Sheriff, is there any thought to go back to those same players that did facilitate such a positive manner at the last time this was addressed?

Eric Williams: You mean, bringing in one of the outside entities?

Commissioner Tornatta: Well, I'm not saying outside entity. I'm saying that there was a committee called blue ribbon, call it whatever you want.

Eric Williams: Correct.

Commissioner Tornatta: I mean, obviously, we're thinking about getting some of those players in.

Eric Williams: On the letter that I sent to you there's a list of everybody that I'd included on that one. Right now it included just about everybody. There are some people that were left off initially, getting a feel for how much people wanted to participate in this. But, you know, in the long run, I don't see a reason why Auditor Fluty may not want to be involved in that, the School Corporation might want to be involved in it, there are other people that want to be involved in it. Right now, I sent the letter to the obvious, which would be the Commission, Council, City Council, the Mayor's office, the Police Department, Prosecutor's's office, Legal Aid and some of those people. I think, if you are alluding towards maybe the PMSI study, or a paid facilitator, I think that's obviously something to consider down the road as this committee begins to meet and come up with issues that a facilitator could help us overcome and come to some solution. At this time I just want the people to sit down together and start talking.

President Musgrave: Okay. Well, I don't think this requires a motion or anything.

Eric Williams: No, thank you.

<b>Interlocal Agreement with DOC for Electronic Monitoring Services</b>
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President Musgrave: While you're up here, do you want to go ahead and do the other two things that you had, which is the interlocal agreement for electronic services, and the proposal for claims administration management?

Eric Williams: Sure, hold on a second.

President Musgrave: Okay.

Eric Williams: Which one do you want me to take first? I'll do the interlocal agreement with the DOC for inmate monitoring. I'll present this and let you pass it around, but this is the device.

President Musgrave: We can keep a copy?

Eric Williams: Yeah, they are different, but you can have those. Basically, this is an agreement with the Department of Corrections to be a one year pilot county with them in testing some equipment that deals with the monitoring of sex offenders who are on parole. The parole office would select the sex offenders, the convicted sex offenders who are now on parole who would participate in this project. They have 25 of these devices they want to put in this county, and they want Community Corrections to do the monitoring for them. They want us to treat them much as we would anybody else that's in our Community Corrections program. The devices are GPS enabled, so we get real time, live access to these people's whereabouts all the time. So we know where they're at. It's fairly expensive equipment, so, that's one of the things that are attractive to us, that we're going to get to test this new equipment out at the state's expense and give us some real opportunity to see how it functions, if there may be some opportunities for us to use it in some of our own programs down the road, or the courts and the judges might want to consider using it in some of their programs. But, it will give us some real, local hands-on testing experience. The other advantage of this program, from our perspective, is, and I should tell you that I've already presented this to the Community Corrections Advisory Board and they unanimously approved it and wanted to participate. The other real advantages to this, in my mind, is the fact that we're a pilot county chosen by the state. We're the only county south of Indianapolis that's going to be participating in this. I think that speaks highly of the programs that we're running here in this county, in the Community Corrections area, and they thought highly enough of us to let us test this equipment. I think it helps build bridges with the Department of Corrections, and they are critical to us as we talk about lots of things. The more doors we can keep open with them, I think the better off we're going to be in the long run.

President Musgrave: So, you're going to get 25 devices to monitor 25 sex offenders—

Eric Williams: Correct.

President Musgrave: —each offender for a year?

Eric Williams: The project is for a year, and then they're going to decide whether or not they are going to fund it initially to go on longer. We're going to be one of the initial four counties that get the project. The other one of the things about the project is there are very few rules, processes, policies and procedures set in place, and they've asked us to help develop those. So, that way, in the future, if this rolls out state-wide, we will have been on the ground floor of designing the project itself and how it's going to work.

President Musgrave: Right now sex offenders are released without monitoring, except they have to register their address right?

Eric Williams: Correct.

President Musgrave: So, for somebody to be released with this device that they can't take off?

Eric Williams: Correct.

President Musgrave: Okay.

Eric Williams: That is why they are going to be people who are still on parole, because it will be a condition of their parole.

President Musgrave: Okay.

Eric Williams: So, the parole people, the parole officers here in our community will select those sex offenders who are being released from prison who they think are the most likely to reoffend, the most potentially problematic for us, and they will select the ones they want us to put in this program, and then we'll do that. They are people that we would already be contacting through the Sheriff's office as being responsible for the registry, the sex offender registry. They are still required to register with us, this is just another option that the parole is going to have to further monitor them.

President Musgrave: So, no one will be released early, for example, on the condition that they wear this?

Eric Williams: That's going to be a DOC decision, but that was never indicated.

President Musgrave: Okay.

Eric Williams: These are people that are completing their sentence and are scheduled for parole, but they felt like they needed additional monitoring. It was a good test group of people to test this on. The reality of it is, people like to know where these folks are.

Commissioner Tornatta: As far as the GPS, that's monitored by the parole?

Eric Williams: No, it would be monitored by us, the Sheriff's office will monitor it.

Commissioner Tornatta: Okay, and that stays in the house? That does not go to—

Eric Williams: No, it's going to be a closed monitoring.

Commissioner Tornatta: Closed, right.

Eric Williams: It's not going to be available on the internet or anything like that.

Commissioner Tornatta: Okay.

Eric Williams: It will be monitored at our Community Corrections complex. Then, part of the project is to develop the system of exceptions or alerts. Most of these people, because they are still on parole are going to fall within that 1,000 foot category, they are not allowed to be within 1,000 foot of a school, licensed daycare, a city park or any of those kinds of things. So, we'll build exceptions for each one of

these on their profile. Part of this project is going to be to determine how to react to somebody who violates an exception. I use the example of the Lloyd Expressway, it is impossible in this community to travel from east to west on the Lloyd Expressway and not cross through several 1,000 foot barriers. Are we going to violate somebody's parole because they drove the Lloyd Expressway and drove through one of those 1,000 foot rings? No, that's not the intent. So, part of our process is to determine how to decide when an alert is necessary and when it's a violation of the parole and be able to react to it.

President Musgrave: So, this is a contract, correct?

Eric Williams: Correct.

President Musgrave: Alright, is there a motion to approve the contract?

Commissioner Tornatta: I make a motion to accept the contract for the devices.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Good luck with that.

Eric Williams: Thank you.

<p><b>Proposal for Claims Administration Management: Correctional Risk Services, Inc.</b></p>
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President Musgrave: You have one more thing.

Eric Williams: The final one is an agreement with CRS risk services, Correctional Risk Services, and this is, we've looked at several people to provide this service. It is basically a company that we want to bring on board to help us with our medical billing, when we get bills. They provide a lot of services, but the crux of it is, they take all of our bills that we get for inmates who are getting outside treatment for medical services; the hospital, x-rays, dialysis, whatever those services may be. They will take those bills, they will, number one, check to make sure that the service indicated on that bill was truly provided and that they are coded properly, to make sure there are no billing errors, to make sure that they've not been billed twice or re-billed. They will do all of that for us. Then, they negotiate what they call quick pay options. A lot of the providers will give a much better rate if there is a system in place for quick pay, that there's no extended times and/or volume and those kinds of things. They'll negotiate that savings. They will write one check to each of these providers monthly, and then they will bill us monthly for the total cost of it. They keep their cut based on the savings between their negotiated rate and the claim amount. They get 30 percent of that savings. So, for example, we ran all of our 2006 bills through their system, and just looking at it, without looking at duplicate billing problems or missed coding problems and those kinds of things, we would have saved approximately \$35,000 last year having used a system like this. So, it comes at no cost to us directly. Their amount of profit is based on the amount of savings they get for the county. It will also create a savings for both the Auditor's office and

my office, because right now we process hundreds of blue claims a month from all the different people that are providing services for our inmates outside for medical. We'll only process one now, because they are doing all the payments and then invoicing us one time for that. So, that will be a huge savings for his office and for our office.

Commissioner Nix: Is this just a one year contract the way it's set up now?

Eric Williams: Yeah, it's really an open-ended agreement. We can kind of quit whenever we want.

Commissioner Nix: Okay.

Eric Williams: But, it is listed as a one year agreement. We just quit sending the bills if we don't want them to do it anymore.

Ted C. Ziemer, Jr.: Actually, it's two years.

Eric Williams: Two years.

President Musgrave: And, you will be monitoring it? So, if those cost savings aren't realized—

Eric Williams: Absolutely.

President Musgrave: —you'll pull the plug on this?

Eric Williams: We stay on top of them pretty closely, because, obviously, that is one of our most tumultuous accounts that we monitor on a regular basis. So, we keep pretty good tabs on our inmate medical expenses, and we'll continue to do that. Hopefully, this makes that monitoring that much easier for us too.

President Musgrave: Is there a motion?

Commissioner Tornatta: I make a motion....go ahead.

Ted C. Ziemer, Jr.: Well, I was just going to say, for the record, while it is for two years, it can be terminated by either party, anytime on 30 days notice.

Commissioner Tornatta: Okay. I make a motion for the proposal of claims administration management and inmate excess medical insurance.

Eric Williams: You might want to stricken the last part of that inmate medical insurance, because that was another option that they proposed to us, and we're not prepared to go that route. We just want them to manage the billing right now.

Commissioner Tornatta: Okay, so I amend that just to cover the claims administration management.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Eric Williams: Thank you very much.

President Musgrave: You're welcome.

**Permission to Advertise Notice of Public Hearing:  
Vacation of Public Utility Easements in VIP**

President Musgrave: We'll go back in order of our agenda, permission to advertise notice of public hearing for vacation of public utility easements in the Vanderburgh Industrial Park. I don't believe there is anyone here to present on this. I do know that the County Engineer looked over it and everybody's review has been satisfactory.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Purchasing: Bid Opening Report:  
APA-002-2007: Crushed Stone  
APA-003-2007: Sand and Gravel  
APA-006-2007: Oil Products  
APA-008-2007: Batteries**

President Musgrave: Purchasing, we have a bid opening report, Debbie Spalding, joint City-County Department of Purchasing is here to read reports on crushed stone, sand and gravel, oil products, batteries.

Debbie Spalding: Good afternoon. You have before you a table that shows you the bids that were opened at the Board of Public Works meeting on February the 8<sup>th</sup>. These four items were all advertised in the Evansville Courier and Press on January the 19<sup>th</sup> and January the 26<sup>th</sup>. So, bidders, potential bidders were aware of the items that were being bid. On the crushed stone we received only one bid from Mulzer Crushed Stone. For the record, the price of, the total price of all items was \$163,979 and some cents. Attached to your chart you'll see the items that we put out for bid, and all those are included. APA-003, the annual price agreement for our sand and gravel, again for the city and county, Mulzer Stone was the only bidder. The price for those items, with the quantities that were estimated, was \$19,563. On the oil products we had a little bit better luck. We received four bids for our oil products, and the apparent low bidder is Busler Enterprises. You will notice that there were six companies who expressed interest, but chose not to bid on the items. Then on the automobile and equipment batteries, we had two bidders, with Busler Enterprises also the apparent low bidder on that item. There were five other companies that expressed interest, but chose not to bid. Today I'm just asking that you take these under advisement. We would like to go line item by line item on, especially the oil

products and the automobile and equipment batteries, just to have a little bit more time to review it. We would ask next week that you would award those.

Commissioner Nix: These quantities are based on historical use from years past? I mean, it should be somewhat close to what we could expect to pay in the end?

Debbie Spalding: Right. The crushed stone and the sand and gravel, they, in the time frame that I needed, they weren't able to tell me the amount that we actually used last year, but it's something they're working on. On the oil products and the automobile and equipment batteries, I did sit down with last years winning bid and asked them what products did we purchase and in what quantities. So, those products are very close to what we purchased last year.

President Musgrave: Do we normally only get one bid in the crushed stone and sand and gravel?

Debbie Spalding: Yes, because everybody would get their price, I guess, from Mulzer.

Commissioner Nix: Only one game in town.

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

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

**Indiana FSSA Contract for Blind & Visually Impaired Services  
Old Courthouse Lease Event Agreement: Kraftwerks  
Agreement for Equipment Maintenance Services: Dental Clinic  
Independent Contractor Agreement: Bowers Harrison: Title Search  
Sprint/Nextel Cell Phone Agreement: County Highway  
Grant Agreement: Childhood Lead Poisoning: Health Department**

President Musgrave: Contracts, agreements and leases. The Indiana Family and Social Services Division of Disability and Rehabilitative Services, Blind and Visually Impaired Services for the Civic Center and Community Corrections. I know the County Attorney has reviewed this and it's substantially similar to last year's agreement. Is there a motion to adopt it?

Commissioner Tornatta: Adopt the contract.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Kraftwerks Old Courthouse lease agreement. This is just to lease some space in the Old Courthouse.

Commissioner Tornatta: Accept the lease with Kraftwerks.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The Health Department has brought forward an agreement for equipment maintenance services of the dental clinic, which is nearly identical to last year's agreement. The hourly rate is slightly higher.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: County Commissioners, the Bowers Harrison title search contract.

Ted C. Ziemer, Jr.: I would like to comment on that, if I might? Since this is to seek title searches for property not sold on tax sale, and there are 184 of those properties, since this is a service it was not necessary to be bid or quoted at all, and the Commissioners could simply pick who they would want to do that. We thought in the interest of good business that we would seek some quotes. We got a quote from Evansville Titles at \$415 per search. We got a quote from Bosse Title for \$250 per search. We got a quote from Bowers Harrison for \$150 a search. We also received a quote just today, in our office, for \$12,960 and we did not deem that a responsible, you know these quotes need to be responsible and responsive, and we did not deem it to be responsible. We received another quote that I've opened here today from United Tax Sale Service, that's in response to advertising for bids in 2006. So, it's a little late. However, it's non-responsive in that we want these searches to be done by March the 9<sup>th</sup>, and this particular quote says they would be done one month from the time that they receive the properties to conduct the searches on, and it's already February the 13<sup>th</sup>. So, they couldn't possibly do it by March the 9<sup>th</sup> under that quote. Plus, we think it's not as responsible as it should be. We are recommending that the Commissioners award the contract to Bowers Harrison for their quote of \$150 per search.

Commissioner Tornatta: I accept the quote from Bowers Harrison.

President Musgrave: Is that a motion?

Commissioner Tornatta: A motion to accept.

Commissioner Nix: Second.

President Musgrave: All those in favor?



All Commissioners: Aye.

President Musgrave: The motion carries. Thank you. County Highway, Sprint/Nextel agreement. It provides for the County Highway to get the same cell phone services as the city. This was bid out by the city, and I understand that it's been reviewed. Is there a motion to accept.

Commissioner Nix: So moved.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

Commissioner Tornatta: Second. Okay, stereo.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: You're going to have to start raising your hand over there.

President Musgrave: Grant agreement for childhood lead poisoning prevention. This is an amendment to a grant received, and it includes an increase in the amount that we will receive to \$7,093 of an increase. Is there a motion to accept?

Commissioner Tornatta: Motion to accept the gracious grant.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We will hesitate to change the tape.

**(Tape Change)**

<b>County Engineer</b>
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President Musgrave: Mr. Stoll, you're up. We now welcome County Engineer, John Stoll. He has several agreements for us.

John Stoll: The first item that I have is a request to accept streets in section seven of Stonecreek Subdivision. This is 413 feet of Admiral Drive, 378 feet of Anchor Way, 347 feet of Chatteris Road, 460 feet of Mooring Road, and 952 feet of Newport Drive. This does exclude a section of Anchor Way south of Newport Drive. We have some unresolved issues that have to be dealt with before we'll recommend acceptance of that. So, there will be one more acceptance coming for section seven of Stonecreek, but I would recommend that these be accepted for maintenance at this time.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a letter that I put together for your signatures. It's to Sam Sarvis, the District Manager of the Vincennes District of INDOT. This is in regard to the University Parkway project. It presents a funding plan that outlines how the balance of the University Parkway project would be constructed. It indicates using quite a bit of Federal Highway Rural Funds, and we're just asking for his assistance in concurrence with the use of those funds. Madelyn has that letter, and I request that you approve that.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next item is also another letter to Sam Sarvis of INDOT. This is a letter that notifies INDOT that Vanderburgh County will contribute up to \$500,000 towards the cost of the installation of a culvert underneath Green River Road at Morgan Avenue. INDOT will, in turn, modify their intersection improvement plans to include this box culvert. This will take some work through County Surveyor Bill Jeffers. He has some on-going contracts to do some drainage studies in the Wabash and Eerie Canal, and in the end Vanderburgh County will contribute up to \$500,000. INDOT will pay the balance of any construction costs that exceed \$500,000. We will also have, through the County Surveyor's office, the environmental permits provided to INDOT in conjunction with this. It's contingent on INDOT not invoicing Vanderburgh County for this \$500,000 until at least March of '08, once we get our approved 2008 budgets. I've got that letter for your signatures, and request your approval of that.

Commissioner Tornatta: I do have one question that I wasn't able to ask. Do we think that, in any way, shape or form that the State would hesitate on that job once they get started? I know we've had that issue, and I don't know who's fault it was, at Stockwell Road, and some other places where INDOT was involved. I mean, do we have any satisfaction that they would, since that's such a heavily traveled intersection, that they would not expedite that?

John Stoll: You mean, as far as the timetable when the thing goes out for bid?

Commissioner Tornatta: Correct. Yes.

John Stoll: Right now they originally planned on putting that out for bid in October of this year, but based on these plan changes, in discussing it with INDOT yesterday it sounds like it might be delayed until early next year, which would be better for the motorists since it would occur after the holiday season.

Commissioner Tornatta: I guess, what I'm looking at, once they get started and maybe, Commissioner Nix, you can help me with this, but, once they get started, I mean, do we anticipate that there's anything that would prolong the building of that intersection?

John Stoll: We haven't gotten to that level of detail, as far as the maintenance traffic plans, as of yet. Out on Stockwell, I believe, we gave, it was two or three weeks for the installation of that culvert. They ran into some utility conflicts that made that more of a problem. That's something that we could work out to basically stipulate that after "x" number of days, then liquidated damages would take effect, to make sure that the thing was put in as quickly as possible. Because there's a lot more traffic on Green River, and it will be a lot more disruptive.

Commissioner Tornatta: Right, and the thing that I don't want to see is because we don't have direct control over that project, that we can't make sure that the progress is going to move fairly quickly.

John Stoll: We can work with INDOT to have them put some special provisions in their contract to stipulate how it's done. Once we get to that point I can get back with you and we'll get some details worked out.

Commissioner Nix: I agree with what you're saying. I guess, this is part of a really, a bigger project, and that's widening the turn lanes and everything else. So, this is something that we feel like we need to get done during that process. The concern that I have is the way the State writes specifications for projects. In the winter months they allow contractors to not work during the winter months. I think we just need to be clear that if this is going to start sometime during that time, that those stipulations aren't put in there. I don't know if that's, and I don't know, you and I haven't really had a chance to address that, but I think we just need to be concerned about that very issue so things do move forward.

John Stoll: I can bring that up with INDOT. When they get to the point where they are actually putting together the contract specifications, then we can get something worked out. It would be actually to everybody's benefit if it does go into early '08 before it's out for bids, because, here again, you won't run into that lag time where they're not charging work days based on their specifications. I think it runs from December through March. So, if they put it out for bid somewhere along the lines of when our money becomes available, then the time frame should coincide pretty well, where the work days would be charged and you wouldn't have that down time. But, I can check with them.

Commissioner Nix: They typically do that just to keep the costs down on projects. They allow contractors to, you know, the winter months you can't really make hay like you should be able to. So, this gives them an opportunity, but in this particular project, if it does go in winter, I really think we need to emphasize that it has to work.

Commissioner Tornatta: Do they allow for continual service, since it is not essentially a residential area, would they allow for a 24/3 shift run in that case?

John Stoll: That's something we can bring up with them as well, just to try and make sure it gets done as quickly as possible. The trade off will be how much money they have available to construct it, because if they're running multiple shifts, then the suppliers have to be available for the contractor, and then the cost would go up paying the overtime. But, here again, it's going to be a short duration, within a couple of weeks, three weeks, I don't know what the magic number will be, but it won't be a real long period of time that this overtime would kick in if there was an accelerated schedule. So, there again, I can discuss that with them.

Commissioner Nix: Correct me if I'm wrong, the plan is for the intersection to stay open during the whole process, with the exception of maybe having to install this culvert. So, other than, and that might even still be an option too, depending on the sequencing and sizing of the culvert, and, I guess, the railroad track that goes along there.

President Musgrave: I want to recognize Engineer Stoll and Commissioner Nix and Bill Jeffers was just out in the hallway so he won't hear this, but I know that Mr. Jeffers heard that the state was going to do this improvement to Green River Road where it intersects with Morgan, and there's this culvert, a big pipeline ditch, if you will, that runs underneath Green River Road, running east and west at that location, and he saw the opportunity for us to improve the waterflow under Green River Road. I believe he brought it to your attention and to your attention, and you began holding meetings with INDOT to try to convince them that this was the time to replace those pipes. I think you met with some resistance, all three of you, when you first sat down with them, and this is the conclusion that has been reached. The county will help pay for the, I believe it was engineering modifications to correct the size of the pipe that runs under there now, to be one that allows water to drain, which will further enhance the ability of the city and county to develop the far east side and use it for all the purposes that we see happening there. This drainage is a marked improvement to what has gone on so far, and, if I've said anything wrong, John, this is your opportunity to make that right.

John Stoll: The only thing that I would add is that it will result in a reduction of over a foot in the hundred year flood elevation. So, that's that much less fill that has to be put all over the east side as all the vacant ground develops out there. This basically covers the areas east of Green River, south of Morgan out to 164. So, it's a pretty substantial undeveloped area at this point.

President Musgrave: Very positive. So, you need permission to send that letter, so, is there a motion?

Commissioner Tornatta: Motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have an agreement with INDOT for the University Parkway right-of-way. This is the agreement that allows the county to use the federal earmark funds that were obligated to the University Parkway project. Basically, it's 100

percent federal funds, no county, local match, but, the way the agreements are set up with INDOT, the county must pay up front and then we submit claim vouchers to INDOT and they will reimburse us for the actual parcel purchase costs. This agreement outlines that. The County Attorney has reviewed it, and he was okay with the agreement. So, I would request your approval of that agreement.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: For those folks who have called, either me or John, wondering when the county would be making offers on right-of-way, that time is nearing. It hasn't yet arrived. I understand there's maybe a four to six week lag before that will actually occur, but the happy news is it's very close.

John Stoll: The last item that I have is a request to go to County Council to transfer \$3,000 from the Mt. Pleasant Road Road and Street Account, to the Travel/Mileage Road and Street Account. We're finished with Mt. Pleasant, so the funds won't be needed there anymore. So, I would request your approval to go to County Council to make that transfer.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Thanks.

President Musgrave: Thank you, Mr. Stoll.

<b>Board Appointments</b>
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President Musgrave: We move now to board appointments. Mr., Commissioner Nix, would you like to read those?

Commissioner Nix: I would like to appoint, or ask for approval to appoint, in a motion, to Community Corrections, Nick Hermann, and Human Relations Commission, Greg Meyer.<sup>1</sup>

President Musgrave: Is there a second?

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<sup>1</sup>Greg Meyer rescinded and Denise Peyronnin appointed under New Business.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>New Business</b>
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President Musgrave: We have some new business. Mark Acker, our Veterans Service officer for the County has asked the Commissioners to sign a letter which he will compose to support House Bill 491, which is currently making its way through the Indiana legislature. This bill will allow members of the Coast Guard and Merchant Marine a burial allowance, as are the other services allowed this. These two branches were left off. So, he will bring that letter if you approve its signing.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. When that letter arrives, I'll see to it that you're notified so that you can come. I'm notified that there's a correction on the Human Relations Commission. I just want to make sure that the record reflects we made that.

Madelyn Grayson: You just made a motion to appoint Greg Meyer.

President Musgrave: Yes, you're right. It shouldn't say Greg Meyer.

Marissa Nichoalds: No.

President Musgrave: Could we have a motion to appoint Ms. Denise Peyronnin?

Commissioner Nix: So moved. Did I need to rescind that other one?

President Musgrave: Yeah, I think so.

Commissioner Nix: I'll rescind the other motion for Greg Meyer.

Commissioner Tornatta: I accept your motion.

President Musgrave: Does your motion include putting Ms. Peyronnin in?

Commissioner Nix: Yes, it does.

President Musgrave: Alright, and your second does as well?

Commissioner Tornatta: Yes.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you for seeing that. Other new business, we have an Executive Session to announce. That Executive Session is scheduled for February 20<sup>th</sup> at 2:00 p.m. in room 305. All three of the Commissioners will be there to discuss some pending litigation.

<b>Old Business</b>
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President Musgrave: In old business, I would like to remind everyone that we have two more road hearings. We only had one person come to our last road hearing, and while you don't need to come, you can still e-mail us at [commissioners@vanderburghgis.com](mailto:commissioners@vanderburghgis.com), the next two are scheduled for February 21<sup>st</sup> at Helfrich Park School, 5:30 to 7:00 p.m., and February 28<sup>th</sup> at Hamilton Golf Course, 6:30 to 8:30 p.m. But, again, please e-mail us, e-mail the County Highway Department, call the Engineer or e-mail him. We would love to know which roads that you have that you would like the Commissioners to pave or repair next year. If you can bring photos, exact addresses, all of that will help us address your concern better. Is there any other old business, or new?

<b>Public Comment</b>
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President Musgrave: Is there any public comment? No one there.

<b>Consent Items</b>
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President Musgrave: There's a long list of consent agenda items. I had contacted, or had the staff contact the County Assessor to pull his, and I see that he is here. Did you have anything to say with regard to this one?

Jonathan Weaver: (Inaudible).

President Musgrave: A travel request. If you do, I'm going to have to ask for you to come to the microphone.

Marissa Nichoalds: (Inaudible).

President Musgrave: Okay, so no permission is needed.

Marissa Nichoalds: Right.

President Musgrave: Okay, in that case, we will, I will ask for a motion to remove it from the consent, or does he still need it, Marissa?

Jonathan Weaver: I don't know what this is about.

Marissa Nichoalds: We would normally put it through even if it doesn't come out of the Commission budget, just to approve the permission to travel, but it can be paid from their own budget.

Commissioner Tornatta: 2007 legislative reception.

Jonathan Weaver: Is that on March 14<sup>th</sup>?

President Musgrave: I'm sorry. That's for a, it appears to be an evening reception. Can you be more express about that?

Jonathan Weaver: Yes, it's a networking event, and I was asking the Commissioners permission to go. Just to go up, I don't have the information in front of me, I'm sorry.

Commissioner Tornatta: I think it's been cancelled, has it not?

Jonathan Weaver: I was not prepared for this.

Commissioner Nix: March.

Commissioner Tornatta: Oh, okay.

President Musgrave: Well, I'm going to ask that whoever makes the motion to do this consent agenda to approve the consent agenda to remove that, because while I routinely support and encourage everyone to go to training and if there's a reception after the training, I think that's just great, but to just go up for a reception, I do have a problem with that.

Commissioner Tornatta: Okay, just to get this on the table, I will make a motion to accept all consent items with exception of the County Assessor's travel request.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Tornatta: This obviously can be brought back. If there's something else that you're looking for, Mr. Weaver, just bring this back next week or whenever and we can put it on the agenda.

President Musgrave: If there's nothing further, is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 4:30 p.m.)



**CONSENT ITEMS:**

**Employment Changes:**

Weights & Measures (2)	Health Department (2)	Sheriff Office (9)
Prosecutor (8)	VCCC (7)	Circuit Court (3)
County Clerk (2)	Center Assessor (1)	Treasurer (2)
Public Defender (1)	Superior Court (1)	

**Travel Requests:**

Health Department (4)	County Engineer (1)	Commissioners (2)
County Clerk (2)	DADS (1)	Auditor (1)
County Council (1)	Legal Aid (1)	

**Commissioners:**

Approval of January 23, 2007 Commission Meeting Minutes.  
Approval of January 26, 2007 Executive Session Summary Minutes.  
IBAP Gatekeeper Monthly Report.  
2007 Trustee Poor Relief Standards: Center, Perry, Pigeon, German.  
Letters to State for DHS Pre & Multi Hazard Mitigation Grants.  
Drawdowns No. 15 & 16 for Knight Township Fire Department CDBG Funds.  
EPD request to waive rental fee at the Centre (Merit Award Banquet).  
Department Head meeting notes: January 23, 2007

**Sheriff:**

Request to surplus vehicle to Knight Township Fire Department.

**County Engineer:**

Pay Request No. 17: Burkhardt-Green River TIF Projects: \$76,339.67

**Superior Court (Juvenile Division):**

Request to accept check for total loss of vehicle: 1993 Caprice Classic.

**Auditor:**

Surplus request letter: filing cabinets, printers, bookcase.  
Lien Release: Old State Subdivision Barrett Law Project.  
A/P Vouchers: February 2007.

**Prosecutor:** Federal Annual Certification Reports: Drug Task Force Grants

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Bob Dillow	Brad Mills
Kevin Winternheimer	Eric Williams	Debbie Spalding
John Stoll	Jonathan Weaver	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
FEBRUARY 20, 2007**

The Vanderburgh County Board of Commissioners met in session this 20<sup>th</sup> day of February, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: I'm going to call to order the February 20, 2007 meeting of the Board of Commissioners of Vanderburgh County. I'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 Tornatta: Troy Tornatta, 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.)

<b>Mike Roeder: Vectren Conservation Connection Presentation</b>
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President Musgrave: Our first action item is to welcome Vectren Conservation Connection, Mike Roeder. Welcome, Mr. Roeder.

Mike Roeder: Thank you. I'll wait just a second till you get them all passed around. Thank you for the opportunity to come this afternoon before the Commission. I wanted to talk just a couple of minutes and answer any questions that you might have about our new program, Conservation Connection. For the utility business, this is something that is actually very exciting, a very different way that the company is doing business. If you're, if you have the presentation there, it's just four slides. If you go to the second slide, the change, where the real change is, in the past utilities on the natural gas side made their money by the number of deliveries of gas through the pipe to the home. The volumetric rate making. That's the way rates have been made across the country for years. The change here is that now, it's truly conservation and decoupling. In other words, the utility is now incented to have customers use less natural gas. So, that's, you know, we believe that that's a real win-win, it's a win for the company, it's a win for customers because the total bill can be lower. So, what is the Conservation Connection? Perhaps you've noticed some of the promotion on radio or television, but, what that is is providing the tools for our customers to help them use less of our product, less of the natural gas. Basically, the bottom line is those who use less will, obviously, lower their bills. This is an Indiana program, the third page. There are basically four key elements that we're promoting; rebates and on-line audit tool are the primary, very visible components.

Rebates on natural gas efficient appliances, everything from the furnace down to a programmable thermostat for the typical residential consumer. Then for commercial and small business there are rebates that are much larger. So, and then there's an on-line audit tool that we have available to allow customers to see very detailed information. It's more than just the ten tips on how to weatherize your home. It actually ties to our customers individual data. Any of you can go on-line and it would pull your home's usage over the last 12 months. It would ask a series of questions one time, and once you do that, it will provide the tools to suggest what consumers can do, whether that's just adding a programmable thermostat, or by the year of your furnace that you've entered, suggesting it may be time to consider that type of appliance upgrade. There's also a Conservation Connection call center for those that are not, you know, web savvy, if you will, or those who just don't like the internet. We've dedicated a group of call takers in our Evansville based call center to do nothing but help people with conservation. So, this is a separate phone number from our normal customer service line. It's, again, a group dedicated solely to helping customers with conservation. Of course, we've been working aggressively with all of our employees throughout Indiana to help them, a), understand the program, and then, b), help them educate our customers. You know, if we've got a service tech in an older home re-lighting a furnace, you know, we've provided them with a truck pad that they can hand out on their way out. It doesn't slow them down, but they may be able to say, "Hey, I noticed that your furnace is, you know, 30, 40 years old, here's some folks who might be able to help you calculate whether it makes sense to get a new furnace." Or, "I noticed that you didn't have a programmable thermostat, if you'll take this, here's some information, a phone number, web site on how to get a rebate." Basically, you would get it for free. The last slide that I have before you this afternoon, is just a little bit about the time line. Public education is underway. I mentioned television, there have been radio and newspaper. The other handout that you have before you was the insert that was in Thursday's, last Thursday's Evansville Courier. So, throughout Indiana we've been promoting this program as a way for our customers to use less natural gas. Rebate forms, basically, rebates were effective December 1<sup>st</sup>. That's when the IURC approved the program. So, rebates are available, again, at our Vectren.com website, and we also have this dedicated call center to help people with these rebates. The on-line audit tools are available, and, again, the phone number there, a separate phone number from our normal call center to help people with conservation. I would be glad to answer questions.

President Musgrave: Would you go ahead and read the phone number out?

Mike Roeder: Oh, sure. The separate Conservation Connection phone number is 866-240-8476.

President Musgrave: Commissioners, are there any questions? Are you going to give rebates on solar panel installations anytime soon do you think?

Mike Roeder: I don't know about solar panels, but we are working on some electric demand side management programs. You may have heard of our Summer Cycler program that we currently have. We actually are working with the commission right now on additional electric incentives that we can offer customers, that help customers lower their bill and help make sure the utility is able to effectively stay in business and be competitive.

President Musgrave: Thank you very much for coming and sharing these conservation tips with us.

Mike Roeder: You're welcome.

Commissioner Nix: Thanks.

<b>Approval of Quote for Camera in Room 301</b>
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President Musgrave: I would like to ask Dave Rector, Building Authority, to come forward and talk about the camera quote for Council chambers and jail expenditures from the contingency fund.

Dave Rector: Dave Rector, Building Authority. The first item that I would like to talk about is an additional camera for Council/Commissioner chambers here. We have a quote of \$13,000, that includes the camera, multiplexing equipment with the fiber lines, installation, monitor and some other things. Would suggest that funding for this could come from our joint fund that we have with the Commissioners and the Building Authority. With a motion by this board to approve, I'll take it to my board, and we could get that project underway.

Commissioner Tornatta: Motion to approve the camera.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Approval for Jail Expenditures from Contingency Funds</b>
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Dave Rector: I have some additional items we would like to complete at the new jail, from contingency funds that I had e-mailed you. Direct wiring the t.v.'s in the eight man holding cells, changing out the auto faucets in the corrections, repairing a padded cell that you have a picture of there, trying a trial for water proofing of the two story chase, as you see a floor plan that they're highlighted on, installing some additional cameras that we've identified some blind spots now, and, also to pay the contractor, general contractor for painting of the rec yard. All of those together approach \$93,000, we have about \$120,000 left in contingency. Sheriff Williams is also here if you have any questions regarding those.

Commissioner Nix: How many different cameras was that, as part of that?

Dave Rector: Sheriff?

Eric Williams: We're estimating about 15.

Commissioner Nix: Okay.

President Musgrave: For the record, he said about 15.

Commissioner Nix: I've had a chance to go over this with Mr. Rector, and I would make a motion that we approve these.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you, Commissioners.

President Musgrave: Thank you.

### Community Dental Clinic Year End Report

President Musgrave: Gary Heck from the Health Department is here with his community dental clinic year end report. Welcome, Mr. Heck.

Gary Heck: Gary Heck, Vanderburgh County Health Department. Thank you. This actually will include reports all the way through January 31<sup>st</sup>, since we had those figures as well. We thought it was better to give you the full picture of where we stand. So, it will have those numbers in here as well. If I can direct your attention to the Power Point presentation. Next slide please. This is just a general preface that has all the little thank you's and fine print that, oh, Happy Birthday, Mr. Ziemer, by the way. Mr. Ziemer, always insists that we have little disclaimers on why we do things, and that's what this page is. Next page please. You won't get a presentation from the Health Department without a reminder that you need to wash your hands before you do anything, and that includes brushing your teeth and flossing your teeth. The Surgeon General released a report in 2001 called, Oral Health in America, and this will give you just a little understanding of why oral health is so important. When you look at some of the little bullets down below, you'll see that there is a couple of things that will jump out at you. One of them is that about 51 million hours of school are lost each year due to dental problems. Poor dental health is translated into pain, infection, dysfunction and poor performance in everything that you do. Next slide please. This particular program, this will give you kind of an overview of where we've come from, this project is under a two year grant funding, with three different partners. The funding sources are the Deaconess Health System, Vanderburgh County and St. Mary's. We've listed the 2007 county officials and the Board of Health members, since this is a report that we're bringing through to this year. Next slide please. The grant agreement called for the setting up of an advisory council that were appointed by various bodies. The Deaconess system has two appointees, the county had three, St. Mary's had two, the First District Dental Society had four, and they have a retired dentist who also serves as an alternate. He's also been a wealth of information and has helped us as we looked at what the fee structure might look like. The Board of Health has three appointees, and then they appoint a county member-at-large. The dentist from the dental clinic is also as a named member, and then we have some ex-officio observers as well. Next slide. You will recall that when this project started, the local area dentists did a lot of soliciting among their members, and they helped us furnish the actual operatories with much needed dental equipment. We were able, through the generous donation of Dr. Charles and Mary Jane Myrna, they were able, he's a retired dentist from Illinois, and he furnished enough for us to put two of our operatories with complete equipment. Saved our budget tremendously. Next slide please. This is just another example of all of the donations. In the lower right hand screen is a panoramic x-ray

unit that was donated by another local area dentist. The actual building that we're in used to be a dentist's office. There was dentist by the name of Bob Martin who practiced there for years, and our landlord, Southwestern Mental Health Center had converted it when they acquired the building to a general office setting, but they kept all of the dental channels in all the places. So, it was a very, I can't say it was easy, but it was much easier to convert a former dental office to a dental office than it would be to try to start building from scratch, and it saved us an awful lot of money as well. This is the floor plan and it's located at the corner of Southeast Fourth Street and Mulberry Street. It's about a 1,600 square foot building, we have four operatories, we have two bitewing x-ray units, one panoramic x-ray unit, a laboratory, and a full reception and break area. This is an example of the dental software system that we use for, it does electronic scheduling, and you can have up to ten different operatories or ten different staff members with their individual schedules. It does charting of the patients mouth and teeth. It does billing, and it also keeps all the demographics for us. On June 23<sup>rd</sup> we had our open house, all the elected officials and honored guests were there for the ribbon cutting. This is another view where you could see the crowd that was also in attendance. This is an article from the Courier & Press on the day after we opened, which was June 26<sup>th</sup>, and it has our very first patient in place. Now we get into the real meat of the report, and that's the numbers. Through January 31, 2007 we have seen 976 patients. We have an active patient load of 964, for a 98.77 percent effective rate. When you look at the gender, we're almost evenly split between male and female. When you look at the marital status, we're not so evenly split. Between 163 married folks, for 16.91 percent, to 801 single, for 83.9 percent. An insurance overview is kind of eye opening, in that of the 964 active patients we have 96 of them have insurance coverage through Medicaid, and none of the other patients have any kind of medical or dental coverage at all. If you look at the top four age demographic groups, and you'll remember that our charge was to serve adults who are under served, in the 21 to 60 year old age groups, those four age groups, 814 of our 964 active patients, almost 85 percent, come from those four age groups. Everything we do at the Health Department seems to be based on a sliding fee scale. These are the household size and the percent of poverty level that an individual would have for income in order to qualify for the program. If you look at the bottom, under the dental pay category, even at the lowest pay category there is you pay five dollars per service, regardless of what our fees would be. You'll see that, when we get into another slide, you'll see the total number of patient visits that we have, but 1,275 of our patient visits, almost 76 percent, are covered at the very lowest level for fees that we have. Next slide please. When you look at the pay categories, we've had 1,687 total visits, and as we just mentioned, 1,276 of those visits are at the lowest possible category. We had 154 patient visits that paid at 100 percent, and you can see how we're scattered in between for all of the other types of reimbursements. When you look at patient visits and services provided, of the 1,687 total visits, 968 were for first time patients. You'll recall that we had 976 total patients, and 868 of them were actually seen and were provided some type of service. Then the remaining 719 visits were from patients who came back a second or third or multiple times. If you look at the 4,068 services that were provided over that time period, it averages to 2.41 per visit. So, people receive multiple services when they are in visiting in the office. When you look at the patient referral, one out of every five patients that's seen at our dental clinic has been referred. The way Dentrix keeps track of referrals, when someone identifies themselves or brings in a formal referral on a written sheet of paper, we received 193 of those referrals, and when they're either seen or an appointment is scheduled, they are listed on our report as being listed. So, 191 of the 193 referrals have either been seen or they have an appointment that's already scheduled. That leaves us two that we are still trying to account for and find out

where they are. That works out to almost a 99 percent rate, which is a pretty good rate by almost anybody's standards. Next slide please. If you look at the statistics for the top five zip codes in Evansville, for the Vanderburgh County area, almost 73 percent of the patients come from these five zip codes. That's 47714, 11, 13, 10, and 15. So, 706 of the 964 active patients come from those five zip code areas. When you look at the three areas, which could be outside of the county, and in this case outside of the state, 936 of the 964 active patients, or a little over 97 percent, come from Vanderburgh County, Warrick County, and then a combination of all the counties from Kentucky. Vanderburgh County accounts for 836 of the 964 patients, Warrick County accounts for 73 percent, or, excuse me, 73 patients, 7.57 percent, and Kentucky has 27 patients, 2.8 percent. You'll recall that part of the grant funding agreement was that the referrals, since they're coming from the hospitals who have a tri-state service area, they could be making referrals from anywhere their patients could come from, which could be Illinois, Indiana, or Kentucky. Next slide please. When you look at our total, if we were able to charge and collect 100 percent of what we provide in services, the over 4,000 services that we provided would account for \$277,129. When you look at the adjustments, based on the patients on the sliding fee scale, you'll see that \$235,717.76 is adjusted because of where they fall on the sliding fee scale. So, over 85 percent of what the value for the services that we've provided go written off due to the sliding fee scale. If you look at the fee after that adjustment, it accounts for \$41,411.24, which is 14.94 percent. We've actually collected and have received payment that shows up, and the only time we ever show the payment being collected and received is when it shows up through the Auditor's office and the Treasurer's office with actually being on, accounted for and in the bank. So, 77.65 percent, the \$32,157 is collected and in the bank. We have an outstanding balance of \$9,253. The vast majority of that we're waiting on Medicaid claims to see whether or not they'll be honored. Then we'll make adjustments after that. Next slide please. If you look at the income after adjustments, and you compare it to the value, you'll remember that we provided \$277,129 worth of services. In the \$32,157, excuse me, \$32,157 that we actually have collected, is 11.60 percent of that \$277,000. When we originally talked to the County Council and we looked at the plan, the best rates we've seen anywhere in the country were ten percent, where you would actually recover ten percent. So, we're actually doing much better than any of those other rates. Of course, when you're doing ten percent out of 100, you don't stay in business real long unless you do have a subsidy coming from somewhere, or unless it's a service that's supported from other areas. If we are successful in collecting that other \$9,200, then we would have almost a 15 percent collection rate, and reimbursement rate. Which would be really good, when you compare it to almost any other program that's like this. If you look at our Medicaid experience, we opened the clinic on June 26<sup>th</sup>, and one out of every four claims that we file has been denied for one of these seven reasons listed below. One of the largest is that the spend down is not met. If anybody is familiar with how Medicaid or things work, you can have an ability where you have to spend a certain amount of money out of your own pocket before Medicaid starts paying for bills. Depending upon what time of the month that you submit a claim, and whether the patient has already had other medical experiences somewhere and they've made those claim payments, you may or may not receive any reimbursement. In this particular case, we've lost 17 claims that way. We had two where the cap wasn't met, the qualified Medicare beneficiary is three, and that basically means that they weren't qualified and eligible, even though they showed up on our list as being eligible, they weren't eligible for dental benefits. You're allowed panoramic x-rays, that's a full mouth x-ray, once every three years. We have seen six patients who we find out, after we provide the service, has already received those services within the last three years, and Medicaid has already paid for them some place else. The last two categories



are services that we provide that aren't covered under Medicaid. Next slide. This is probably the most telling of all of the data, starting in October of 2006 the advisory council asked us to start keeping a survey through either phone calls or patients of people who tried to come and get an appointment but we didn't have the space or the things available for them. So, if you look at this, since October of 2006, there's been a total of over 1,000 people that we weren't able to see them because of just the fact that our schedule is full. When you look at the categories at the bottom, if they were in pain when they either called or stopped by, they were referred to our walk-in. We have two different types of schedules, on Monday, Wednesday and Fridays we have the equivalent of open scheduling. If you were to drive by the dental clinic starting about 6:30, you'll see a line forming outside that's like people buying tickets to go to a concert. People stand in line until they get the opportunity to present themselves and then they go through the triage application and then they see as many people as they can. Monday, Wednesday and Fridays are very, very busy days. The Tuesdays and Thursdays we schedule folks by appointment, because you still have to have a certain number of returning folks who have other procedures, and that's also where we work in a lot of the extra referrals that come in from the other referring sources. So, if they either call or present themselves, and they say they're in pain, we try to make sure that they get to that next available walk in opportunity. If they don't have any pain, we at least keep track of those numbers. If they tried to come on a Tuesday or Thursday and all of our time slots were filled, we keep track of that. We had one person who just refused to wait. The last two are dental procedures that we don't provide those services for, and they were referred to local folks who do those. Then the final slide is you can contact the dental clinic at 435-2450, that's area code 812-435-2450. You can visit the Health Department's website at [www.vanderburghgov.org/health](http://www.vanderburghgov.org/health), and then you follow the navigational links by clicking on the community dental clinic link and it will take you to that page. I would be more than happy to answer any questions.

President Musgrave: Any questions?

Commissioner Nix: Just curious, on the Tuesday and Thursday appointments—

Gary Heck: Yes?

Commissioner Nix: —how far out are they booked? Is that a month?

Gary Heck: Well, at this point in time we're scheduled through May 15<sup>th</sup>.

Commissioner Nix: Okay, so, it's a couple of months out then.

Gary Heck: A couple of months out.

Commissioner Nix: Okay.

Gary Heck: Then she maintains, our receptionist maintains a list that if we have a cancellation, and she's got some folks on an on-call list, we constantly fill them. It's like anything else, even though we give appointments, it's similar to a block schedule. If you all have ever been to your own medical providers, and when they schedule, they, very few medical providers that I know of just schedule exactly who they think is going to be there and show up that day. They always have like an extra one or two. So, when the one or two doesn't show, they've got somebody sitting there ready to go into the chair. It's the same thing with block scheduling.

Commissioner Nix: You had mentioned the money that's coming in from payments and that, is that, you're comfortable with that and proportionately these groups between the county and Deaconess Health Systems and St. Mary's supplements the balance then. Does that still seem to work?

Gary Heck: They supplement us at this point. When we go through the budget hearings this year is probably when we'll have the big conversation with the County Council on how additional funding may look down the road. I would love to say that we could, you know, we're going to collect a much higher percentage, but about the only way you can do that, I guess, if you look at your target population and you try to find or identify people, we don't take any third part or any private insurance. So, the only option we have is the Medicaid or private pay, and those are kind of it at this point.

Commissioner Tornatta: Gary, I just, you know, any time this comes up, I would just like to say thanks for the job that you guys are doing in kind of getting the, just keeping the clinic going and keeping everybody involved. The Council did an outstanding, I think Royce and Lloyd Winnecke, did an outstanding job of getting things going. We appreciate just the support that CAGE gave and everybody gave. So, and thanks to the County Commissioners for just bringing the whole groups together. So, anyway, thanks for doing what you're doing, and keep it up. We appreciate it.

Gary Heck: Well, you're certainly welcome. I can tell you that we are meeting at our next county advisory committee meeting, the primary item on the agenda is looking at alternative funding. We've had several discussions, but we're down to the point where we've looked and we're trying to follow up on what we've been able to research. We have applied for three or four different grant fundings of different foundations. I can't say that we've successfully landed one yet, but that doesn't mean we don't continue to try. So, thank you so much. It's our pleasure.

President Musgrave: Thank you for coming.

<p><b>Final Reading of Ordinance CO.02-07-003: Creation of Pigeon Creek Greenway Advisory Board</b></p>
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President Musgrave: We move now to the final reading of ordinance CO.02-07-003, the creation of the Pigeon Creek Greenway Advisory Board. Do the Commissioners have any questions? Is there anyone here from the public who wishes to address this ordinance? I see no one. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. Show the ordinance as adopted.

<p><b>First Reading of Ordinance CO.02-07-004: Authorizing and Establishing Criteria for Use of Credit Cards</b></p>
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President Musgrave: We move now to first reading of ordinance CO.02-07-004. It is an ordinance authorizing and establishing criteria for the use of county credit cards. These are credit cards issued in the name of the government. This concept was brought to us by Auditor, Bill Fluty, and recommended as an ordinance that we needed by the, I believe it was the State Board of Accounts. Has everyone had an opportunity to read it? Is there a motion to pass it on first reading?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes. We'll have second reading next week.

<p><b>Permission for Road Closures: Solarbron 10K Race: May 12, 2007 F.A.S.T Antique Car Club: Nurrenbern Hill: June 16, 2007</b></p>
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President Musgrave: We have two items for permission to close the road. Is Steve Craig here on either one of those? For the Solarbron 10K race and the F.A.S.T. car club race?

Steve Craig: Steve Craig, Manager of Burdette. Joe Goebel of the car club F.A.S.T., or Fast Ford Speed Technology, it's an antique car club, they are wanting to hold a sanctioned event on Nurrenbern Hill. The date which they are proposing to hold the climb is June 16, 2007. The event would be held on Nurrenbern Hill, due south of Burdette. The road would need to be closed off for a period of up to six hours. Fortunately, this doesn't seem to cause a problem, because we have the ability to send the cars through Burdette. So, the closed road is not really closed. If there would be any emergency vehicles, that's not a problem either, they can close the event down in a matter of seconds and let people go through. I would like the Commissioners to give me permission to pursue this event in conjunction with the Evansville Convention and Visitors Bureau and F.A.S.T. Upon approval of the

certificate of insurance, it will be submitted to Ted Ziemer, Vanderburgh County Attorney, no later than 30 days before the event. Upon Mr. Ziemer's approval of the insurance certificate, the event would be held at the Nurrenbern Hill.

President Musgrave: Do you have any information on the Solarbron race? Or does anyone else here? I don't have the dates of it.

Steve Craig: No, I do not.

Commissioner Nix: I think that was something that came in front of us last year. It sounds like the same item. I didn't know if we maybe wanted to table that until we get some more information on that.

Commissioner Tornatta: I would just say, we can, my motion would be to approve the Solarbron, closing of the road for the Solarbron race, and closing of the Nurrenbern Road for the F.A.S.T. car club race.

Commissioner Nix: I'm fine with that too. Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: You don't know the date on that, that we could announce?

Commissioner Nix: I do not.

President Musgrave: Maybe you could come back next week so we could announce that.

Commissioner Nix: I could do that. I guess, the other thing too, who would be responsible, we went through this last year, as far as notifying 911 and that type...we would need to have somebody set up to be able to do that, and then barricading and that, so. Okay, the County Highway will take care of that. On both of those then?

Ted C. Ziemer, Jr.: The date of the race is May 12<sup>th</sup>.

President Musgrave: Alright, thank you very much.

Steve Craig: Thank you.

<b>Permission to Advertise for Veterans Memorial Coliseum Roof</b>
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President Musgrave: Mr. Acker is here to talk about permission to advertise repairs to the Veterans Memorial Coliseum roof.

Mark Acker: My leg's not working real well. Mark Acker, Veterans Services of Vanderburgh County. We went before the County Council for approval of some appropriations for an immediate removal or extraction of the roof at the Veterans Memorial Coliseum. The scope of work has been completed, along with an analysis of the materials so that they are not hazardous and can be disposed of in a normal manner, as any other roofing project. So, I'm asking the Commissioners to allow to

now be placed in bid, and, hopefully, get the project started sometime late March, early April, somewhere in there, the neighborhood that we can get it done.

Commissioner Nix: I guess, the way that this is worded, it's really not repairs, it's actually a new roof.

Mark Acker: It's extracting or removal of the existing roof, which was not done on the previous installation. So, we're going for brand new.

Commissioner Nix: Just for the record.

Mark Acker: Yes, it is a complete removal and replacement.

Commissioner Nix: I'll make a motion that we approve to advertise for replacement of the Veterans Memorial Coliseum roof.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I understand that this ad will run, is that twice, Marissa? And, that we will receive the bids on March 13<sup>th</sup>?

Marissa Nichoalds: At the earliest.

President Musgrave: At the earliest. So, that ad will be—

Commissioner Nix: And we will be working with Purchasing on all the details?

President Musgrave: Oh, Purchasing is here. So, she—

Mark Acker: Purchasing, I hope will help us get that all sorted out with the Fair Labor Standards.

Commissioner Nix: Got 'ya.

President Musgrave: Okay.

Mark Acker: Thank you.

Commissioner Nix: Thank you, Mark.

<p><b>Health Department: Diabetes Grant Amendment</b> <b>Perpetual Highway Easement: Cross Pointe Blvd (Columbia-Oak Grove)</b> <b>Agreement with Hirsch-Martin LLC for Cross Pointe Blvd.</b> <b>Contract with David Matthews: Hamilton's Golf Course Appraisal</b></p>
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President Musgrave: We move now to contracts, agreements and leases. We have several of them. Commissioners, if it's alright, we could go one by one, I think. The Health Department diabetes grant one year extension. It serves to increase the amount of the grant by \$10,000. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The perpetual easement for development of Cross Pointe Boulevard from Columbia Street to Oak Grove Road. Do you have anything to say about that, Mr. Ziemer?

Ted C. Ziemer, Jr.: There it is.

President Musgrave: Is there a motion to adopt the easement?

Commissioner Nix: So moved.

Commissioner Tornatta: And this is, this is, they are granting the easement?

Ted C. Ziemer, Jr.: Yeah, the limited partnership that now owns the property, Hirsch-Martin, is granting the easement to the county for the extension of Cross Pointe Boulevard from Columbia Street to Oak Grove Road. There is attached to the easement the legal description for that, plus a drawing showing how it will run. The easement does contain some provisions relative to commencement of the work, and completion of the work. If the work is not completed by December 31, 2008, the grantor would have an option, on 60 days notice, to terminate the easement. It's, we've discussed that at length with the County Engineer, we will leave the, you know, it's almost impossible that it wouldn't be, and if we're down to the end, everybody wants to get it done, and they are going to talk with us and allow us to extend. On their part did not want their real estate covered by an easement for five years, if the county wasn't going to do anything. So, it makes sense. The second document is a document that allows them to move the shown intersection, on the easement it shows the intersection of Vogel Road with Cross Pointe Boulevard. They may want to move that a distance of 100 feet either north or south, or within a distance of 100 feet. If they give us notice to do that prior to the commencement of construction, it can be moved, at their total expense for redrawing it and any other expense, and donating the additional right-of-way that would be necessary by reason of that movement. They have signed both documents, the two agreements will have to be signed by the Commissioners, we can return one copy to them, and, the easement, Madelyn, will need to be recorded.

Madelyn Grayson: I will need those originals passed down here. I think they got stuck somewhere along the way.

President Musgrave: I'm just going to pass it all down to you. When you make the motion, make the motion for both the perpetual easement and the agreement with Hirsch-Martin, and I would just like to say that this is a day that I thought would come sooner, but I'm so happy that it's finally here, and it represents a real milestone in the construction of this road, which I understand the bid documents will now commence to be written, and that, hopefully, we will be bidding out the construction of this portion of Cross Pointe Boulevard in the next couple of months, with the actual construction, hopefully, starting shortly thereafter. I know that many, many people put in quite a few hours, and I would like to thank them; Mr. Farney at

Bernardin Lochmueller, our own County Engineer, who endured quite a lot of discussion on this point, and our attorney, the attorney for the Hirsch's, the attorney for the Hirsch-Martin's, and all of the above. I think that the community will be tremendously excited when these plans are finally revealed.

Commissioner Nix: I will amend my motion to include both of those.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

Madelyn Grayson: May we make a quick tape change, please?

President Musgrave: Oh, I forgot about your tape.

**(Tape change)**

President Musgrave: Contract with David Matthews, appraiser, for Hamilton Golf Course appraisal, is our next action item. This contract is for \$5,000, and comes out of the Commissioners Riverboat funding line item as an economic development project. I ask permission for this appraisal to move forward so that the Hamilton Golf Course committee can consider it.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Purchasing–

Commissioner Tornatta: Do we have a list, real quick, do we have a list of that committee? That Hamilton Task Force?

President Musgrave: I know we can get one for you after the meeting.

Commissioner Tornatta: Okay.

<p><b>Purchasing: Permission to Award Bids:</b> <b>APA-002-2007: Crushed Stone</b> <b>APA-003-2007: Sand and Gravel</b> <b>APA-006-2007: Oil Products</b> <b>APA-008-2007: Batteries</b></p>
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President Musgrave: Purchasing, Debbie Spalding is here to discuss crushed stone, sand and gravel, oil products and batteries.

Debbie Spalding: Yes, last meeting I was here and told you the results of the bid opening that we had with the Board of Public Works. So, today I'm here asking for your permission to award these on the county side. You should have a copy of the prices for each of these items, and, if we could just talk about the first one briefly. It was for crushed stone. We had one bidder again, just for your recollection, with Mulzer Stone. So, you have before you the actual prices of the different sizes of stones. When I looked at the prices from last year, there was almost across the board a six percent increase, just for your information, on these items.

President Musgrave: Is there a motion?

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: Then on the sand and gravel, APA-003-2007, again, there was only one bidder, Mulzer, and all of them were an approximately six percent increase, with the exception of the first item listed, the fill sand. It was noticed that it was a 22 percent increase from last year. So, in speaking with Kevin Winternheimer, the City Attorney for the Board of Public Works, he said it would be appropriate for me to call and ask them why the big increase. They explained that if we could pick up, the city and county could pick up sand at a different location, that they could get us a better price. So, the letter that's attached to that shows you that we are now getting that fill sand for a price of \$3.35 a ton, as opposed to \$5.20 a ton. That price is a savings, even from last year where it was \$4.25 a ton. So, instead of picking it up on Fulton Avenue, you would go to I-164 and Green River.

Commissioner Nix: I would say that on the county's behalf, we need to look and see where we're using it at, because of fuel costs and labor and all that, the increased cost at Fulton, for all practical purposes, probably works better for us, but the city might have a....we just need to look at that. Appreciate you pointing it out though.

Debbie Spalding: Okay.

Commissioner Tornatta: I make that in the form of a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: The third item, annual price agreement 006-2007 for oil products, we did have four bidders. The chart that you have in front of you shows, the highlighted areas are, on that particular item, who was the low bid. The biggest portion on that list of what we buy is the 15W40 motor oil in the 55 gallon drum, and



these estimated quantities were based on what the city and county used last year. This was not, I feel a better estimate than what we had been using. So, you see Busler's was the low price on that, and when you multiply the quantity out by that price, it accounts for \$25,000, basically, of the total bid, because we use such a big quantity of that. So, my recommendation would be to award the entire bid to Busler's. They were the low bidder, and in speaking with Board of Public Works and other people in the County Highway, Mike Duckworth, it is less confusing to city departments if you order all the oil from one location. So, we would, again, I would recommend that we award that contract to Busler's.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Debbie Spalding: The final annual price agreement was for automobile and small equipment batteries. Again, there were three, two bidders, Busler Enterprises was the apparent low bidder. This includes batteries for cars, trucks, golf carts, tractors, equipment such as that. So, I would ask for your approval to award that bid to Busler Enterprises.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Debbie Spalding: Thank you.

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

<b>Burdette Park</b>
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President Musgrave: We move now to department head reports, Steve Craig, from Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. At this time I would like to present to the Commissioners some letters of support for the Burdette Park-University of Southern Indiana pedestrian bicycle and nature trail project. This is a project linking two publicly owned facilities. It's a 2.5 mile trail which will provide a natural scenic path for cyclists and pedestrians between \$135, or 135 acre Vanderburgh County Burdette Park, which attracts nearly 200,000 visitors annually, and the University of Southern Indiana, which has over 10,000 students enrolled now. The trail location between Burdette Park and the university will provide access to the students and area residents wishing to use an alternative method of transportation, or simply to enjoy the trail as a place to exercise along its scenic route. I would also like to ask, at the present time, for area businesses and individuals that are interested in this pedestrian bike trail, that you still have time to write letters of support, and they can

be sent to the Vanderburgh County Commissioners office at 1 NW Martin Luther King Boulevard. At this time I would like to present to the Commissioners these letters.

President Musgrave: Read off who they are.

Steve Craig: You want me to read off who they are from? Real quickly, from SIHE, Ray Hoops, no, this is from the University of Southern Indiana, excuse me, Ray Hoops; SIHE, Chris Melton, President; Congress of the United States, Brad Ellsworth; Senate, Vaneta Becker; Senate, Bob Deig; State of Indiana House of Representatives, Dennis Avery; State of Indiana House of Representatives, Suzanne Crouch; State of Indiana House of Representatives, Phil Hoy; State of Indiana House of Representatives, Trent Van Haaften; the Evansville Convention and Visitors Bureau, Marilee Fowler; Kristen Tucker from Evansville Business; Westside Improvement Association, DeAnna Outlaw, she's the president; Dennis Feldhaus with the ONB Insurance Group; Jim Santory with CERM, the Consortium for Environmental Risk Management; Tom Effinger, Vice President of Environmental Management Consultants; Dennis Todd, the President of Air Quality Services, and we have several more that are still withstanding that are on their way.

President Musgrave: These letters will accompany our grant applications to the Congress, the U.S. Congress and to the State of Indiana, and perhaps any other applications for grants that we surface along the way. So, I would like to offer my thanks to those who have already written, and to those letters that we hope to receive, for their support of this important bike path. Commissioner?

Commissioner Tornatta: I do have a question, explain to me the American Discovery Trail? We talked about in the brochure, in the document going to the Congressman and the Senators 15 states consisting of 6,800 miles, I'm just curious about the connection.

Steve Craig: It's a national trail that starts in California and goes to the east coast. When it gets to the Midwest it actually does a loop which comes through, we do have, I don't have it with me, but we do have a map and it actually runs down Nurrenbern Road. It's part of the American Discovery Trail. It's the trail that separates here, it was taken from the east coast to the west coast when they were, you know, discovering or exploring across the United States. It's very interesting. There's people that's actually walked it, road their bicycles, they drive it all the time, but I think it 6,800 miles, pushing 7,000 miles long, with both legs of it. But, Evansville, it goes up through Angel Mounds, we are on the Discovery Trail. It's kind of unique that we have the O'Day Discovery Lodge and it is on the Discovery Trail, which is a national trail.

President Musgrave: Okay. Well, thank you, and I know the grant submittal that time is approaching rather soon. Do you have any other report from Burdette?

Steve Craig: No, just if you can come to the ground breaking that we're going to have for the trail. It's this Friday at 9:30?

President Musgrave: Yes, and for those members of the media we'll be getting a press release out. We're looking to break ground for that at 9:30 Friday, and hope to see you there.

Steve Craig: Thank you.

<b>County Highway</b>
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President Musgrave: Any other department heads? Mr. Duckworth, County Highway.

Mike Duckworth: Thank you, Commissioners, Mike Duckworth, County Highway. I feel privileged to be here celebrating Ted Ziemer's birthday. I'm just really happy to be a part of that today. Maybe he'll let me use his glasses when I get to be 75 or 80 or whatever it is. I'm here to thank you. Thank you, I appreciate that. I am here today to remind those watching and here in the audience today that our road hearing is tomorrow night at Helfrich Park school. It's district three.

President Musgrave: The best side.

Mike Duckworth: We would really appreciate a little bit of an increase in our attendance. If we have two people it will be an increase in attendance. So, we want to invite everyone out to give us their thoughts and recommendations on conditions of their roads and what we can do to better transportation here in the county. So, we're looking forward to that. We already have had some supervisors and some constituents e-mail us and send us some concerns, and we will have those ready for folks to look at. Eventually we will, after the 28<sup>th</sup>, which is district two, and that will be the 28<sup>th</sup> from 6:30 to 8:30 at Hamilton Golf Course, the club house there, after that meeting then we will bring the list to the Commissioners for them to prioritize. I wanted to announce that and ask folks to come if they have some concerns.

President Musgrave: Thank you.

Mike Duckworth: Thank you.

<b>County Engineer</b>
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President Musgrave: Mr. Stoll?

John Stoll: The first item I have is a request for approval on a notice to bidders for Kuebler Road bridge repairs. This would be contract number VC07-03-01. This is a project that we took bids on last fall and the bids came in over our budgets. The plans have since been revised and now we're going to rebid in hopes of getting a bid we can award this time.

Commissioner Tornatta: Make a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next I would like to request approval to go to County Council to appropriate \$58,000 into University Parkway Bridge account, and \$170,800 into University Parkway Road and Street Phase III account. This would cover the balance of the design from Marx Road on up to Diamond Avenue. Right now the

consultant has been under contract to determine the alignment and make some plan changes, but they weren't under contract to provide final, bid ready plans and specs. This will provide that once this funding is appropriated, and then the contract is signed once we get the money in place. So, I would just request your approval to go to County Council to make that appropriation request.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: For the record, I would like it to be noted that Mr. Stoll and I met with, I think, all the members of County Council over a period of a couple of weeks, and this request to go ahead and move forward on that design contract kind of came from them that we go ahead and make that effort now. They felt willing to do that. So, I hope that will be greeted with that familiarity when you arrive at Council to remind them of that.

John Stoll: I hope so too. The next item, I also have, the next item I have is also in regard to County Council. Last week I had requested to transfer \$3,000 from our Mt. Pleasant Road and Street account to our Travel and Mileage account. Since then I would like to amend that request to increase it to a transfer of \$4,500.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: Then, next, I have a change order on contract number VC06-10-03<sup>1</sup>. This was the Koressel Road Bridge rehab. This change order is for an increase of \$5,821.85. This was due to some additional concrete patching that was needed on the piers, some additional rip rap that was needed, we had to make some alterations to the guardrail, and then there was some concrete pier protection that we had to add down at the base of the piers.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: The last item I have is three letters, one each to Congressman Ellsworth, Senator Bayh and Senator Lugar in regard to the fiscal year 2008 appropriations that

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<sup>1</sup>Correct contract number is VC06-10-02.

will be requested. These letters are to request federal funds for the University Parkway project, the Burdette-USI bike path, and then the reverse 911 system. Basically, it needs to be submitted out to Washington by next Monday, so that's why I have it here for your signatures today. So, I would request approval of those three letters.

Commissioner Nix: So moved.

President Musgrave: Is there a second?

Commissioner Tornatta: No.

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

Commissioner Nix: Aye.

President Musgrave: Opposed?

Commissioner Tornatta: No.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: Thank you.

John Stoll: Thanks.

<b>New Business</b>
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President Musgrave: Under new business, Mr. Troy Tornatta, I would like to appoint him to the dental clinic advisory board. Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there any other new business?

<b>Old Business</b>
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President Musgrave: Any old business?

<b>Public Comment</b>
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President Musgrave: Any public comment? When you come to the microphone, please state your name and address.

Jerry Clark: Jerry Clark from Evansville. I'm the president of Beehive Diversity Group here in Evansville. I was a recent Leadership Evansville graduate of 2006. Our group is putting on a group project for '07. I submitted a letter, and I hope you have a copy of that that's being distributed. Okay. Basically, our group project is called Evansville Youth Fest. It is designed to look at area youth from K to 12 and have them come to an event that will allow them an opportunity to learn more about and connect with the opportunity or different non-profit organizations in the city. It also, you know, we also found the need for more volunteers within these areas as well. So, you've got the non-profit organizations, you've got the youth, and you've got the parents all in one venue, learning more about the services that are out there that they could take advantage of. So, that's the event that we're trying to put on. In order to draw a number of the youths, we're also looking to actually have one or two celebrities come down, maybe from the Indianapolis Colts or some other area, to help actually draw some of the youth to the actual event. We are looking for the county to donate the space for us at the Centre. I have checked on a couple of dates, we did an initial submission was for August the 25<sup>th</sup>, but, in doing a little more research, we found that wasn't a good day, because the youth are not allowed to take flyers home right after they get back to school. So, we actually moved that to September the 8<sup>th</sup> instead. So, that day was open as well. As far as details are concerned, the event will be from 10:00 to 2:00, and September 8<sup>th</sup> is on a Saturday. We're asking for the actual time frame from 8:00 to 4:00 to allow for set up and tear down so people can get in and get out within an appropriate time frame. We are expecting between 40 and 60 organizations to be invited and attending that event, with an estimated 1,500 children and parents to attend as well. Also, eight foot tables and two chairs within each booth. We're not asking for any skirts or anything like that, which would be additional accessories, just the bare minimum. We are asking for ½ of one of the exhibit halls, whether it's A or B, which really equates to 17,500 feet. So, you know, that's pretty much, you know, our request as a group.

Commissioner Nix: I wonder if we would be better off to maybe look at this before we make a decision today. It's rather unusual and just getting this now I would rather take some time and look it over.

Jerry Clark: Okay.

Commissioner Nix: It's a little different than what we normally do.

Jerry Clark: Okay, I've been trying to get on your agenda for a while.

Commissioner Tornatta: We can take it under advisement.

Commissioner Nix: Okay.

Commissioner Tornatta: I make that in a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

Commissioner Nix: Thank you.

Jerry Clark: Thank you.

<b>Consent Items</b>
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President Musgrave: Consent agenda, we have a number of items on the consent agenda. Is there a motion to approve.

Madelyn Grayson: Commissioner Musgrave?

President Musgrave: Yes, Ma'am.

Madelyn Grayson: I believe there's an additional, there was a travel request by Soil and Water that was not on the agenda that was in the packet. So, I don't know if that needs to be added.

President Musgrave: Where are they going?

Madelyn Grayson: March 14<sup>th</sup> to a regional meeting.

President Musgrave: Will you make a motion to amend the consent agenda to include the SWCD regional meeting.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:30)

**Additional public comment was heard by the Commissioners at the start of the February 20, 2007 Drainage Board meeting from 4:35 p.m. to 4:40 p.m.. The following comments are enclosed from the verbatim minutes of that Drainage Board meeting.**

President Nix: Before we start with Drainage Board, we had one item on public comment. I'll turn this back over to Commissioner Musgrave.

Commissioner Musgrave: Yes.

President Nix: From the past meeting.

Commissioner Musgrave: I'm sorry. I didn't see that you wanted to speak. Could you state your name and address for the record?

William Rainey: My name is William Rainey. I live at 2005 Selzer Road. I did put my hand up, but I was not recognized, but, that's okay.

Commissioner Musgrave: Sorry.

William Rainey: I won't take but just a minute. On October of 2006 I had come before the County Commissioners with a petition signed by myself, the people on Selzer Road, the people on Outer Broadway and Short Selzer requesting that the County Commissioners come up with some kind of something to help us out with the problem of dogs running loose, people being bit, and just virtually all kinds of problems. I asked the County Commissioners to please come up with something to help us out. Pass a law or something. The Sheriff's Department cannot help us. There is no laws in the county that says people have to keep their dogs on a leash or inside of a fenced yard. I have talked to the Sheriff's Department several times. There's still no law. I hate to bring this up, I've got a cousin that's a Sheriff in Posey County, according to him, the whole county has a law, a leash law or fenced in law. All the dogs in that whole county have to be on a leash or fenced in. Why can't Vanderburgh County do that? I mean, we've got 187,000 people walking around here in this county alone. We're talking about this greenway coming up, I live on Selzer Road, Selzer Road butts into Burdette Park. We're going to have people walking these trails, all these dogs that I'm talking about are within barking distance of that trail. I would hate to see that trail of laughter turn into a trail of tears, just because we're not going to do something about animals running loose. I mean, it's getting to be, the people that I've talked to out there where I'm at right now said, "We're not going to call the Sheriff's Department. We're not going to bother them. We're going to let the County Commissioners do something." Well, I've had quite a few of them call me back and say, "Hey, Bill, have you heard anything yet?" No, I haven't heard a thing. There's been no motions made, nothing. It's like we got dropped off the back side of the cliff. We would like to know, can something be done?

Commissioner Tornatta: Bill, let me jump in here just for a minute. I've had a conversation with Animal Control and with the Sheriff's Department, and, so, there is some type of lien that they think that we should at least look into and address. I did look up some definitions and codes with the city, and I don't know, and it's something we can talk about up here, but, I think this was brought in October of 2006 to the Commission—

William Rainey: Yes.

Commissioner Tornatta: —and you're probably right, we do need to address it and to look into some of the legal language and see what restraints there are from city to county. This might be another place where we can combine some of our language—

William Rainey: That would be fantastic.

Commissioner Tornatta: —to do that. So, if it's just the same to you, I would like to take this up with our attorney, go over some of it, present it to our County Commissioners in an upcoming meeting, and then see if we can't address the problem.



William Rainey: Thank you.

Commissioner Musgrave: When you came—

William Rainey: I would really appreciate it.

Commissioner Musgrave: —to speak to us in October, the city was in progress of adopting an ordinance—

William Rainey: Yeah.

Commissioner Musgrave: — and I read through part of that ordinance, and as it was proposed it was very, very strict, and very expensive, and I wanted to wait for that to play out. I believe that the ordinance they adopted was much less stringent and expensive than the one that they were proposing, but it was still very, very comprehensive. So, I was waiting for that process to go through, and I would certainly be interested in working as a team with the Commissioners to come up with something that will work well for all the residents of the county. This is a good opportunity to ask you to pull the city's ordinance and take a look at that, Mr. Ziemer, and we'll go from there.

Ted C. Ziemer, Jr.: Certainly.

William Rainey: Thank you very much.

Commissioner Musgrave: Thank you.

William Rainey: Appreciate it.

Commissioner Tornatta: You're welcome.

Commissioner Musgrave: I'm going to turn this back over to Commissioner Nix.

William Rainey: I will be checking back with you.

Commissioner Tornatta: We'll be here.

William Rainey: Thank you.

(Public comments ended at 4:40 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Health Department (1)  
County Clerk (2)

Public Defender (1)  
Circuit Court (1)

Sheriff (5)  
VCCC (2)

**Travel Requests:**

Health Department (2)  
County Highway (2)

County Engineer (1)  
Commissioners (2)

Treasurer (1)  
SWCD (1)

**Commissioners:**

Approval of the February 13, 2007 Commission Meeting Minutes.  
Approval of the February 20, 2007 Executive Session Summary Minutes.  
University Parkway Phases I & II Progress Update: Bernardin Lochmueller  
Grant Payment to Brake Supply.  
Knight Township Trustee Amendment to 2007 Poor Relief Standards.  
AMR Financial and 2006 Fourth Quarter Reports.  
Department Head Meeting Notes: February 13, 2007.

**Treasurer:**

Monthly Report: January 2007.  
Year-to-Date Report, January 31, 2007.

**Weights & Measures:** Monthly Report: 1/15/07-2/15/07.

**Department Head Reports:**

Burdette Park  
Ozone Officer

County Engineer  
Supt. Of Bldgs.

County Highway  
Veterans Service

**Those in Attendance:**

Cheryl Musgrave  
Bill Fluty  
Madelyn Grayson  
Gary Heck  
Mike Duckworth  
William Rainey  
Members of Media

Bill Nix  
Ted C. Ziemer, Jr.  
Mike Roeder  
Steve Craig  
John Stoll  
Debbie Spalding

Troy Tornatta  
Marissa Nichoalds  
Dave Rector  
Mark Acker  
Jerry Clark  
Others Unidentified

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
FEBRUARY 27, 2007**

The Vanderburgh County Board of Commissioners met in session this 27<sup>th</sup> day of February, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: Good afternoon. I'm calling to order the February 27, 2007 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.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

<b>First Reading/Public Hearing of Vacation Ordinance: CO.V-02-07-001: Vacation of (2) Public Utility Easements in Vanderburgh Industrial Park Petitioner: Evansville Industrial Foundation</b>
---

President Musgrave: Our first action item is Mr. Jim Dittoe with Winning Communities presentation. He has not yet arrived. So, we will move to Mark Barton, the public hearing and first reading of the vacation ordinance CO.V-02-07-001, for vacation of public utility easements in the Vanderburgh Industrial Park.

Mark Barton: Yes, I'm Mark Barton with Bernardin and Lochmueller, representing the petitioner, the Evansville Industrial Foundation. They are wanting to vacate two ten foot public utility easements at the back of what used to be lot six in the park. They vacated part of that lot, and down zoned, and now want to remove two easements.

President Musgrave: Are there any questions from the Commissioners? Anyone to speak on this? In that case, is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I believe I need a roll call vote for this. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. Thank you. Will this come up for second hearing next meeting?

Ted C. Ziemer, Jr.: Whatever you decide. I mean, I don't know—

Madelyn Grayson: It's an ordinance. So, it would need second reading.

Ted C. Ziemer, Jr.: Yeah, I know, but has it been advertised as to when that's going to be?

Madelyn Grayson: Just the public hearing for today was advertised, but next week would be fine for second reading.

Ted C. Ziemer, Jr.: Whenever you want to set it.

Commissioner Nix: It wouldn't be next week. It would be the following week.

Madelyn Grayson: Right.

President Musgrave: That's March 13<sup>th</sup> would be the second reading.

Madelyn Grayson: Correct.

Mark Barton: Okay, thank you.

President Musgrave: Today is the final, did you have something to ask?

Ted C. Ziemer, Jr.: I just want to ask a question. When you turned in your materials you didn't have all the green cards. You've got more then, I'm sure.

Mark Barton: As we receive them back, I'll turn them all in.

Ted C. Ziemer, Jr.: In to Madelyn.

Mark Barton: Yes, correct.

Ted C. Ziemer, Jr.: Okay, good. Thanks.

<p><b>Final Reading of Ordinance: CO.02-07-004: Authorizing and Establishing Criteria for Use of Credit Cards</b></p>
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President Musgrave: Today is the final reading of ordinance CO.02-07-004, the ordinance authorizing and establishing criteria for use of credit cards. These are for

the credit cards obtained by the government for use by the government. Is there any questions from the Commissioners? Is there anyone here to speak to this? Seeing none, is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes.

<b>Permission to Place EMA Warning Siren on County Highway Property</b>
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President Musgrave: County Highway, Mr. Mike Duckworth, permission to place EMA warning siren on County Highway property.

Mike Duckworth: Yes, good afternoon, Commissioners. Mike Duckworth, Superintendent of the County Highway. I am bringing a letter to you on behalf of Sherman Greer that was sent to me, requesting permission to place an emergency warning siren on our property at the Highway Department at St. Joe and Mill. This is going to be placed on the northwest corner of the property to ensure that folks that live in the trailer courts and the homes and the businesses in close proximity would be able to be notified in the event of inclement weather or tornados or whatever.

President Musgrave: Is there a motion to approve placement of the warning sirens?

Commissioner Nix: Move approval

.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

<b>Permission to Seek Bids for Equipment Storage Building at Co. Hwy.</b>
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Mike Duckworth: The next thing I have here is to request permission to seek bids for the equipment storage building that we have been funded by the County Council to construct on our property. We will be, we have developed a design, and we'll be applying for site review. We'll go through that process on Monday. We've also, I've met with Roger Lehman of the Building Authority, I mean, Building Commission, and he has authorized us to go ahead and move forward to applying for state permits.

We want to get this project moving. Upon the obtaining of the permits and approval of site review, we would like for your permission to go ahead and seek bids at a later date for this.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>District Two Road Hearing: February 28, 2007: Hamilton Golf Course</b>
---

Mike Duckworth: Just one last thing, we do have our final county road hearing, district two, Commissioner Tornatta's district, would be, it was going to be handled tomorrow from 6:30 to 8:30 at Hamilton Golf Course club house. We've had two previous, one at Plaza Park Middle school, one at Helfrich Park Middle School. This will be our third. John Stoll, the County Engineer, myself, of course, the Commissioners will be there to field questions and inquiries about folks out in the north part, portion of the county, or anywhere else that maybe was not able to attend the previous meetings. From that time on we will put together a list, with pictures, and then we'll forward that information to the Commissioners for priority.

President Musgrave: Thank you, Mr. Duckworth.

<b>Discussion of Placement &amp; Activation of EMA Warning Sirens</b>
---

President Musgrave: I would like to ask Mr. Adam Groupe of Emergency Management to come forward and discuss other weather warning sirens.

Adam Groupe: Good afternoon. This year, out of our planned budget expenses, we're able to actually get four new sirens. We want to place one at Resurrection church and school off of Highway 65. We plan on placing one at Mt. Pleasant between Baumgart and 41. As you know, we'll be placing one at St. Joe in the County Highway garage, and we'll be using one of the new ones to replace one that was damaged at Morgan and Stockwell in the city. Then, when that insurance money finishes coming through, we will put that one out in the county. Now, as you know, we don't pick these locations arbitrarily, we work with the Area Plan Commission, look at demographics, where the trends are, where people not only are moving now, but where we think they will be in a few years. We are growing outward.

President Musgrave: Are there any questions? When do you expect to have the tornado sirens placed?

Adam Groupe: They should be finished, these are all custom built, of course, we expect to see them delivered in three to four weeks. Then we, of course, have got bids out to do the installation. So, we're hoping to have them still this spring. Have them up by the end of spring.

Commissioner Tornatta: Adam?

Adam Groupe: Yes, sir?

Commissioner Tornatta: Give me some of the other criteria that go into letting the sirens blow. What different things—

Adam Groupe: Well, when we activate them?

Commissioner Tornatta: Yeah, when would you activate?

Adam Groupe: Okay, we activate them, first of all for severe weather incidents. That would be an actual warning product from the National Weather Service, be it a tornado warning, a severe thunderstorm warning. We would also activate them if a public safety officer, a law enforcement officer, a fire fighter, a paramedic, an Emergency Management weather spotter physically saw a tornado or a funnel cloud in Vanderburgh County, we would set them off for severe weather. We also use them for such things as hazardous material spills. Not only can we set them off as a group county-wide, we also have them broken down into quadrants, and we can even set one individually off, to warn people of a chemical spill, for example.

Commissioner Tornatta: Then, in the event that we would have some type of terrorism act, potentially they could be set off at that?

Adam Groupe: In theory, unfortunately, the warning sound of the siren can only give you so much information. What we train people is that when they hear the siren, to go inside to a safe place, put on a local t.v. station, put on a local radio station, and get local, current information on what's happening. Unfortunately a wailing sound of a siren can't give you much more information than that. But, anything that we would need people to go inside to a safe place and turn on local media, we could use them for.

Commissioner Tornatta: Okay, thank you.

Adam Groupe: Thank you.

President Musgrave: Thank you, Mr. Groupe.

<p><b>Alternative Service Concepts Contract</b> <b>Health Department: Steri-Safe Agreement</b> <b>Teamsters Collective Bargaining Agreement: Confinement Officers &amp; Civilians at the Jail</b></p>
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President Musgrave: We move now to contracts, agreements and leases. County Commissioners, Alternative Service Concepts LLC, claims service contract. Does anyone have any questions on this? Or, is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?



All Commissioners: Aye.

President Musgrave: The motion carries. Second is the Health Department's Steri-Safe agreement. It is essentially the same as last year from what I understand. Are there any questions?

Ted C. Ziemer, Jr.: No, no. That, this is a new contract, but that's alright, I mean, I did advise the Commissioners about this. I did have some questions about the contract, and I prepared an addendum, which I wanted Steri-Cycle to sign. They have signed that addendum and Madelyn has that. With that addendum being executed along with the contract, it's satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Ted, can you turn your microphone off?

Ted C. Ziemer, Jr.: Sure, glad to.

President Musgrave: The motion carries. Alright, we move now to the confinement officers contract. I know that there have been long negotiations on this. Commissioner Nix, would you?

Commissioner Nix: Yes, hopefully, today we can get this passed. With the help of, I keep wanting to say Chief, but now Sheriff Eric Williams and Rick Voyles from the Teamsters, these guys have been working for the last probably 18 months to two years on a new contract. Basically, what's taken place is, at the old Safe House we had Correction Officers, and at the jail we had Detention Officers, and at the new jail and Community Corrections facility we have Confinement Officers. These officers before they either worked at the Safe House or the jail, and now these guys are cross trained, or these people are cross trained to where they can work back and forth between the two. Needless to say, it's taken a lot of time because of the occupying the new jail, and it's just taken a tremendous amount of time to get to this place so that everybody is comfortable with the contract. I can't say enough about the job these guys have done putting this together. It's a very, very lengthy process, covering all the bases, and then the membership ratifying this sometime back. So, saying that, I would like to make a motion that we approve this contract today. Believe it or not, I think it's up in 2008, I believe we've got about a year and a half and we'll go over this whole thing again.

Commissioner Tornatta: Second.

President Musgrave: I would like our attorney, Mr. Ziemer, to comment on the last page, the last section of that contract.

Ted C. Ziemer, Jr.: When we were given this contract to review, which was after the completion, I think of the negotiations that Mr. Nix spoke about, it was our opinion

that the last paragraph, let me just find this, Article 55 of the agreement has words at the end of it which says;

“This contract shall remain in full force and effect until superseded by a new agreement.”

In effect, that language, based just on a plain reading of that language, would say that this contract goes on forever. If there's never a new agreement that takes it's place. We suggested that the language be removed. I think, due to a combination of the membership already having approved the agreement prior to our making that recommendation, there was some resistance to taking that language out. In view of that, we did some more research, we found an Indiana Appellate Court case, a 1990 case wherein the Appellate Court says, in a case almost exactly like this contract, that the language that we wanted removed is not enforceable in any event. So, we don't care whether it's removed or not, because it won't be enforceable. Having said that, go ahead with your business.

President Musgrave: What was the name of that case, Mr. Ziemer?

Ted C. Ziemer, Jr.: That is the *Fraternal Order of Police Lodge No. 52, Appellate, versus the Civil City of Elkhart, Indiana, Appellee*, and it's 551 NE Second, 469, a 1990 Indiana Appellate Lexus 312.

President Musgrave: Are there any other questions? Anyone to comment? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Attorney</b>
------------------------

President Musgrave: We move now to department head reports.

Ted C. Ziemer, Jr.: Yes, I have another contract. Purdue Co-Op Extension, an agreement on their behalf for maintenance of their copier. It's identical to last year's agreement. It did not get on the agenda. Last year the cost of that was .00305 per copy. This year it's slightly higher, .0042. The contract is for one year, which would end February 1, 2008.

Commissioner Tornatta: I make a motion to accept the contract.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: I'll also say that I received and have reviewed a specific services agreement relative to a phase one environmental site assessment for the 73.91 acres that the county is proposing to buy from the State of Indiana. I have contacted Summit and have not heard back from them. The contract contains no provisions regarding their maintaining insurance, and that's important since they're going to be

operating that site assessment on our property or state property. In any event, we're not recommending that you go forward with this, because I have been in discussion with this whole matter with the State of Indiana, and I'm waiting to see what accommodations we might get from the State. So, it's not appropriate to be reviewed today.

President Musgrave: Alright.

<b>County Engineer</b>
------------------------

President Musgrave: Mr. Stoll, County Engineer? While he's coming up, are there any other department heads with a report?

John Stoll: I have two items. First is a request for storm sewer acceptance in Section Two of St. Charles Cove Subdivision. This request is for accepting 228 feet of twelve inch storm sewer. The developer has paid the two dollar a foot maintenance fee. The pipe has been inspected by people in my department. So, I would recommend acceptance of the storm sewer.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The only other thing I have is an announcement in regard to a public information meeting on the Green River Road project. This public information meeting will be held on March 14<sup>th</sup> from 6:00 to 8:00 p.m. at Christian Fellowship Church. This will cover Green River Road between Lynch Road and Millersburg Road. We will send out letters to all the abutting property owners along that segment of the project.

Commissioner Tornatta: John, this by no means is any type of hearing, and we will not be hearing, getting input from the constituents about the project going forward? This is just to tell them about what's going to happen with the project?

John Stoll: Right, this will be to, basically, explain the phasing, explain the project, explain when we plan to get it out for construction and things like that. It will also exclude the Green River Road-Millersburg Road project in the sense that that public hearing was held in late 2005. That public hearing was all certified by INDOT, all the proper procedures were followed. So, we aren't really opening the door for changes to that project at this point. That one, while the people who live in the vicinity of that project are more than welcome to come to the meeting, it won't be specific to that project either. So, that will really be the scope of what we're looking at there.

President Musgrave: Thank you.

John Stoll: Thanks.

**Old Business**

President Musgrave: Old business. Commissioner Nix, you have an update on the Old Courthouse.

Commissioner Nix: Yes, we've been working on, actually we've hired through the Courthouse Foundation, an architectural firm to do a preservation master plan, and they've been on this, I guess, about six months or so. We've got a summary here of that report. It's, the board, or is willing to, and with money provided through the Council, would like to move ahead with construction and renovation of the Wedgewood Room, which is money that was appropriated last year through the Council. We met the other day and discussed, so, what we are going to ask RATIO to do is come back at our next meeting, RATIO with Veazey Parrott Durkin and Shoulders, for a proposal to renovate the Wedgewood Room. Now, the idea behind that is, is to, we would like for this to be similar to what the rest of the interior finishes will be, so that we'll be able to rent this out. Of course, we can rent it now, it's in pretty dire need of repair, but we will, our plan is to finish this room off and start renting it, this part of the Old Courthouse, with the understanding that we can get some funds raised through private and public monies to complete the interior renovation. We've discussed this before, I guess, over the last four or five years we've actually, Council and Commission, I guess, from about six or seven years back, actually, have renovated the roof and all the flashings and gutters outside, and brought the interior electrical and heating and air conditioning up to code. So, this final phase then is the interior renovation work, architecturally, and then probably some site work on the outside. So, but, once again, we're trying to get the Wedgewood Room moved forward to get it completed.

President Musgrave: When you say the Wedgewood Room, is that both of those rooms at the end of the hall with that little room that's in between them?

Commissioner Nix: Yes.

President Musgrave: Okay.

Commissioner Nix: That's what we're looking at.

President Musgrave: Well, that sounds wonderful. Do you need a motion on that, or that's just an update?

Commissioner Nix: That's just an update.

President Musgrave: Commissioner Tornatta, I know we had a long discussion about the animal control ordinance in the department head meeting.

Commissioner Tornatta: Right, and just for those who are concerned with animal control issues in the county, we do not have an ordinance, but we are looking to look at the city's ordinance and just craft some stuff from the city's ordinance with the Sheriff's Department and try and get something that is, that will just give them some type of enforcement on issues relating to animal control. So, we expect in three to four weeks to have a document back in front of us. Sheriff Williams says four weeks. We expect to have that document in front of us so that we can look at it and have it to our attorney and then, hopefully, approve that in a timely manner.

President Musgrave: Members of the public who might want input on that, Sheriff Williams is taking the lead on drafting the ordinance language. He's being assisted by Kerry Kamp and the Health Department. Then that language will be sent for our review, again, in four weeks. Marissa, what was the date in April we were targeting? Is it April 10? It's around April 10<sup>th</sup>. We don't have a calendar up here, unless you have one.

Madelyn Grayson: April 10<sup>th</sup> or 17<sup>th</sup>.

President Musgrave: April 10<sup>th</sup> was the date we were looking at. So, hopefully, you can look forward to seeing a draft ordinance at that time. Is there any other old business or any other new business?

<b>Public Comment</b>
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President Musgrave: Is there any public comment?

<b>Consent Items</b>
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President Musgrave: Is there a vote to adopt the consent agenda?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 3:50 p.m.)

**CONSENT ITEMS**

**Employment Changes:** Health Department (2)

**Travel Requests:**

County Surveyor (1)  
Commissioners (1)  
County Highway (4)

County Assessor (1)  
County Attorney (1)

Treasurer (1)  
Health Dept (1)

**County Engineer:** Pay Request No. 18: Burkhardt-Green River TIF: \$9,650.50

**Commissioners:**

Curran Miller check for County surplus sale.  
Wolfe's Auto Auction checks for sale of surplus Sheriff vehicles.  
Sigecom notification letters to consumers of rate increases.  
Department head meeting notes: February 20, 2007.

**Auditor:** Surplus letter request: PC's and monitors.

**Department Head Reports:**

Burdette Park  
Ozone Officer

County Engineer  
Supt. Of Bldgs.

County Highway  
Veterans Services

**Those in Attendance:**

Cheryl Mugrave  
Bill Fluty  
Madelyn Grayson  
Adam Groupe  
Members of Media

Bill Nix  
Ted C. Ziemer, Jr.  
Mark Barton  
John Stoll

Troy Tornatta  
Marissa Nichoalds  
Mike Duckworth  
Others Unidentified

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
MARCH 13, 2007**

The Vanderburgh County Board of Commissioners met in session this 13<sup>th</sup> day of March, 2007 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 13<sup>th</sup> meeting of the Board of Commissioners of Vanderburgh County. It is 3:30. I will start with introductions to my right.

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

Bill Nix: Bill Nix, County Commissioner.

Cheryl Musgrave: Cheryl Musgrave, County Commissioner.

Michael Isaacs: Michael Isaccs, Junior at Memorial. Go Tigers!

Troy Tornatta: Troy Tornatta, 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.)

**Permission to Open Bids for VC07-03-01:  
Kuebler Road Bridge Rehabilitation**

President Musgrave: Let's start with the bid opening for VC07-03-01, the Kuebler Road bridge rehabilitation. Is there a motion to open the bids?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**2007 Girls in Bloom Update**

President Musgrave: We move now to an item that was inadvertently left off the printed agenda. I would like to welcome Patty Avery and the Girls in Bloom for the update on their recent convention at the Centre. This is the only convention, I guess we would call it that, that is sponsored directly by the Commissioners. Mrs. Avery?

Patty Avery: Well, actually, I think convention is almost a good word now. When we ran the numbers, we had anticipated our largest ever attendance, and we surpassed

even our own expectations. With girls, parents, educators, volunteers and presentors, we were nearly at 700. Yeah, not bad for an event that started with 100 girls the first year. As I said, this was our fourth event, and we had girls from Daviess and Henderson Counties in Kentucky, Vanderburgh, Warrick, Spencer, Gibson, Posey, Dubois and Perry Counties in Indiana. A total of 64 schools were represented, including home schools. So, what we saw this year is, thanks to our media sponsors, obviously, a much greater penetration into the schools. Our core group continues to be the EVSC and the parochial schools in Vanderburgh County. As you'll remember, of course, it's fifth through eighth grade girls. Fifth graders were our largest number of attendees, 39 percent were fifth graders; 32 percent were sixth graders; and the remainder were seventh and eighth graders. So, we had just a wonderful, wonderful group. As we told you, they were going to get to do about everything under the sun, and they did. The Centre's staff were tremendous. This was a day that, including our event, they had four events to manage that day, and we could not have asked for better help from them, including the fact that our attendance was so much higher than we had anticipated, we suddenly had to provide more lunches. We actually got down to the very last lunch, but everybody was okay. But, I just cannot applaud them enough for their tremendous help in setup. We utilized to the full extent those lovely screens that are now in. With each meeting room we were able to put up on each screen what was going to be taking place in that room. We really utilized our portion of the Centre to its full capacity. Again, we just, it was a wonderful, wonderful venue, and the staff were extremely supportive of us. We have several people with us today, you know, I gave you Girls in Bloom by the numbers, but we wanted to share with you from the girls point of view what their experience was. So, first I would like to introduce Amy LoBue, who came with us the day that we were here a few weeks ago.

Amy LoBue: Hi, I'm Amy LoBue. I brought two friends from our school, and we had a lot of fun. We went to a lot of events. We saw the UE girls, which I want to play on their soccer team when I get older. Then we also went to a GE science class. It was pretty cool. They showed us how to recognize a pin and every pin has a different formula of its own and everything like that. It was really fun. It was cool. I think every girl just had a lot of fun. Thanks for sponsoring it.

Patty Avery: As Amy mentioned, we had, in the wide variety of activities, we had an active session following lunch. Ann Topper, who was coordinating our program committee, in conjunction, of course, with the Governor's In Shape Indiana, we made the period after lunch an active period, and UE came and participated with their dance team and the soccer team, and we had a lot of other terrific activities for the girls. From Cedar Hall, we had a large representation from Cedar Hall, and Karen Hellenberg, who is their student intern social worker this semester, is here to share.

Karen Hellenberg: Hi, I would just like to say that our girls and mothers had a very positive experience there. There was a great deal of vendors there. We had a lot of art involved. A lot of, even the parents were involved. For Cedar Hall, which, you know, is in a poverty area, it was just a breath of fresh air for a lot of the girls. We had a lot of parents that called that couldn't make it because they had to work, but the students that we did have enjoyed it tremendously. I was really impressed, and we're going to try to push it more next year for them. A lot of the parents said they were going to try and accommodate to go. So, that's a big plus, I think. So, thank you for sponsoring that.

Patty Avery: Thank you. This year, for the first time, we had a large group from Perry Heights, and Dr. Debbie Dierlam is here with the Star Power girls.



Nicole Simmons: County Commissioners, I'm Nicole Simmons from Perry Heights, and I'm in sixth grade. Girls in Bloom was so important because it gives girls a chance to learn what we can do best in the world. Thank you for making this special day devoted to us so that we can learn more about ourselves. Can we please do it again next year? Thank you.

Melody Hart: Hi, I'm Melody Hart. I'm in the seventh grade at Perry Heights Middle School. Girls in Bloom was so important because I learned so much, had a chance to speak with many that I barely knew, and had fun doing it, each and every one of these. Thank you for making this day special, and it was a new experience to me, and a great one at that. There were so many choices and good opportunities. May we please do it again? I think everyone had good feedback and definitely got to experience either great memories or new experiences. For the record, we had 33 students.

Vickie Taylor: Hi, I'm Vickie Taylor from Perry Heights Middle School, I'm in the eighth grade. Dear County Commissioners, Girls in Bloom was important to me because it was a time for us girls to go and learn without boys being there and being under all the pressure. The experience at the Centre was fun for me and all of my friends that went. I had a lot of fun, because I could learn things I wanted to know and there wasn't any boys to pressure me. Thank you for making this special day available for the girls in Evansville. It was very enjoyable for me, and I had a great time. Can we please do it again so us girls can have another day of fun and relaxation without having to worry about other problems at home? Thank you.

Patty Avery: As you can see, each girls experience was very individual and very personal. To me, I think that's the strength of this program. As you know, our committee is all volunteer, and we're all very busy women, but we all make time for it because we believe so passionately in giving girls the space that they referred to, space to grow, space to learn more about themselves. One of the most exciting things that we're seeing develop now is the older girls coming back as volunteers. We got e-mails from girls who were too old to come, but said, "Can I please come volunteer?" Ann coordinated a large group from Sig school and other high schools, North High School participated, girls who have attended in the past and now want to make the experience available to younger girls. So, we're watching our fifth through eighth grade event turn into a training ground now for older girls. As I've mentioned to you before, I think Girls in Bloom is a lovely example of partnerships, of bridging partnerships from government to the businesses that support it. We were able to offer the day again completely free of charge to the girls who participated, thanks to our sponsors. The universities support us with their knowledge base, it's just an incredible example that frankly I think can only happen in Evansville, because of the wonderful mix that we have here. But, we came, as we said, to thank you very much for your support, and we're all taking a deep breath and bracing ourselves to start planning for next year already. But, thank you so much.

President Musgrave: Thank you, and congratulations to the entire board, Dorie LoBue and others. Do you want to name any of the others?

Patty Avery: Well, Amy, Dorie is here, of course, and Ann Topper, we have a large committee, but all of us have day jobs. So, it's hard for us to get away, but, again, thank you so much.

President Musgrave: We look forward to seeing you again next year.

Patty Avery: Thank you.

President Musgrave: For those who wonder what the Commissioners do for the boys, I'm still looking for somebody to come forward to do something for the boys in our community.

Commissioner Tornatta: Commissioner Nix has been in contact with me about wanting to work with that project.

**Jim Dittoe: Winning Communities Presentation**

President Musgrave: I would like to now welcome Mr. Jim Dittoe, Winning Communities presentation. Welcome.

Jim Dittoe: Thank you. Let me add some congratulations to that fine program there. Congratulations, girls. I like the way you're selling for next year too. That was really great. A very important word was mentioned in the presentation and that's partnership. That's what we're all about in Winning Communities. I put a brochure at your table place there, and, hopefully, you've heard about what we do. We provide partnership facilitation. We are an endorsed program of the Association of Indiana Counties, in fact, I'll be meeting with David Bottorf on Thursday to do some more planning about how we can assist the counties in their planning. We provide facilitation services, not necessarily planning. Planning has a bad name, but we all plan. Some of us plan for the weekend, some of us plan to go to Florida, some of us plan to have people over in the evening, we all do that. But, when you talk about strategic planning, we kind of fall off to sleep. What we do is provide sort of a King Arthur round table, if you will, for members of the community from those organizations, to get everybody in a partnership. That's why we're called Winning Communities. It's not planning communities, it's winning, because what we do is provide a planning process, if you will, to move toward achievement. In fact, your association, I met with the executive committee about a month and a half ago and proposed two counties, Blackford County and Rush County, who has gone through the Winning Communities certification process, that's outlined in your brochure there, steps one through 13. They got various organizations within the community together to provide as a steering committee. Then we had public meetings to determine the future. The people actually come up with the ideas. I help facilitate that process. So, when we met with your executive committee of the AIC, they were very enthused about what it is that Blackford County and Rush County did. Not what they said they were going to do, but what they actually accomplished. In fact, to hold their feet to the fire, they are now making this process a yearly type of thing. Now, not that you have to go through the whole planning process which takes several months, but there has to be a report given back in, so that the certification, meaning you've gone through the process, you've gotten people on the same page, you've stated your vision for the future, you've stated your goals, objectives and come up with an action plan, and then you actually do things within the community. Then the certification is awarded. We were going to make the award to the communities of Rush County and Blackford County on the 14<sup>th</sup>, unfortunately, in Indianapolis we had 15 inches of snow at that time. So, that was postponed until two weeks from now on the 28<sup>th</sup>. That is in conjunction with your legislative conference, which starts on Tuesday. Wednesday at the luncheon, when the General Assembly has been invited, and I believe the Lieutenant Governor is scheduled to be there also, the awards will be made to Blackford and Rush County as the first, quote unquote, certified Winning Communities. We hope we have the opportunity to talk to you

about the plans that you might have for the community of Vanderburgh County. It's outlined here, I just wanted to introduce the subject to you for your consideration. The idea behind it is that we are all faced with change, in fact, we have five "C's" of a winning community. The first one is that change, and as Yogi Berra said, and he was a pretty good baseball player and a pretty good philosopher also, "If you don't know where you're going, you might end up someplace else." That first part is related to change. Leaders help provide that direction and change. The second "C" is challenge, because the change causes us challenge. We are faced with a tremendous amount of change within our communities. We're all challenged by that. Then the third "C" is concern. We pick up the newspaper, we see a certain issue, and we get concerned about that, that's the cause of that challenge. But, that's not enough, that's like putting the newspaper down and moving to the sports page and seeing how the St. Louis Cardinals line up for this year, or what might be on television. The fourth "C" is the commitment level, the fourth "C", and that leads to the fifth "C" which is championship. So, you go from the change to challenge to concern to commitment and then leading toward the championship. We help facilitate that process, and then leading toward, we hope, the certification of the communities. There's a lot of growing interest throughout the state. In fact, I just had a call from the County Commissioners in Howard County as I was on the way down here to set up a meeting with them for next week. So, at some future date, I would be happy to sit down and chat with you and other members of the community. If you would like to act as a facilitator, like King Arthur did and bring people to the round table to kick this around, I would love to have that opportunity. I'll pause there, as I know you have a large, large agenda, to see if you have any questions.

President Musgrave: Questions, Commissioners? Thank you, Mr. Dittoe. We have your contact information. Commissioners, if you should decide to undertake this program, please feel free to contact Mr. Dittoe and learn what further steps need to be taken. Or, if someone in the community is also interested in serving as project champion for this, please let us know.

Jim Dittoe: Right, I'll be talking to other people in the community. Yes, sir?

Ted C. Ziemer, Jr.: Just one question, when it snowed 15 inches in Indianapolis, had you not planned for that?

Jim Dittoe: We used to be friends.

President Musgrave: There are a lot of people just like that around here.

Jim Dittoe: I know it, I know it, but if it weren't for his lovely family, I don't know if I'd have anything to do with him. Our daughters used to play together when we lived down here. Well, thank you very much. We do have a website, [winningcommunities.com](http://winningcommunities.com). There's a newsletter, we're coming up with a new edition of that, electronic newsletter, please sign up for that too. Thank you very much for your time.

President Musgrave: Thank you.

Jim Dittoe: Safe journeys.

**2007 Vanderburgh County Road Hearings Presentation**

President Musgrave: Next on our agenda is a presentation of the County Commissioners road hearings. We have held this three different times throughout the county, and this is the last rendition of that, and the last call for projects to be added to the list. I'm turning it over to Mr. Duckworth.

Mike Duckworth: Thank you, President Musgrave, Commissioners, ladies and gentlemen. Mike Duckworth, Superintendent of the County Highway Department. Let me just kind of set this up by saying that over the last four to five weeks, we have kind of taken the show to the road, so to speak. We met in each of the three Commissioner districts to get information and complaints and concerns about the conditions of county roads. We have compiled that information, and we are to the point now where we need to prioritize that so that the Commissioners can look at our work and give us some direction as to where we go from here. Let me first start by saying, last year we paved approximately 35 miles of county roads, of the approximate 640 actual miles. As you can see, with this slide, that we were using a piece of equipment that was approximately 13 years of age, and since that time, thanks to the County Council and the Commissioners helping in that regard to get us this new paver. It's a \$236,000 front end assist state-of-the-art piece of equipment that we think will be not only safer, but enable us to do much better quality work on our roadways. I would say to you that, and I'm going to try and go through this as quickly as I can. In '05-'06 we did approximately 64 miles of paved roads, resurface of roadways in our community. In '07 these are in red, if you can see that, the proposed roadways that have been explained to us that are in need of repair. Unfortunately, the increased cost in oil prices and the escalator clauses that cause product to go up may not enable us to do as much paving this year as we have in the past, but we're going to see how this all turns out. I would start by saying, and I'm going to go through these roads as per your request and just try to go through them relatively quickly and just give you some idea about how much work that there is to be done. We're going to start in district one, Durre Lane, Durree Lane runs between Fitzgerald, I'm sorry, from Fitzgerald to Peacock. It's approximately seven tenths of a mile, estimated cost a little over \$3,000. Peacock from Lynch to the dead end, .28 miles, estimated cost \$12,196. Fitzgerald Lane, again in district one, from Lynch Road to the dead end, .37 miles, estimated cost \$18,730.<sup>1</sup> Colonial Gardens from Old Boonville Highway to the dead end, .43 miles, again a cost of about \$18,730 miles. Some of these roads require a little more base, or possibly a little less material. We have had our supervisors and our staff do an extensive measurement and checking the conditions of these roadways and this is how we've come up with these estimated costs. Colonial, I'm sorry, Lynn Road from Pollack to Old Green River Road, two miles, \$87,120. Kimber Lane, Columbia to the Lloyd Expressway, .17 miles, \$7,400. Old Boonville Road off of Old Boonville Highway, you can see this is actually still a gravel road, .17 miles, a cost of \$28,380. This summarizes, basically, the district one proposed roadways, 3.49 miles of requests, total cost a little under \$173,000. Moving to district two, which is our largest district, and the district that we had the most requests in, Schlensker to, McCutchan Road from Schlensker to Baseline, 1.02 miles, \$44,431 miles.

President Musgrave: Dollars.

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<sup>1</sup>Actual dollar amount is \$16,117.20.

Mike Duckworth: Staub Road from Mesker Park to the dead end....I'm sorry?

President Musgrave: Dollars.

Mike Duckworth: Dollars? What did I say?

President Musgrave: Miles.

Mike Duckworth: Miles? I'm sorry. Staub Road from Mesker Park to the dead end, .28 miles, \$10,977. New Harmony Road from Highway 66 to Posey County Line, that is 5.59 miles, estimated cost of those repairs will be \$415,057.50. That is quite an extensive piece of roadway, we may, due to the cost, that may be one that we want to look at in sectioning up over a couple of years. So, we'll talk about that at a later time. Koressel from Upper Mount Vernon Road to New Harmony, 2.40 miles, estimated cost \$94,089. Number Six School Road, and the lady that complained about this said it hadn't been done in, I think, in excess of 12 years. You can see how it's in great need, Highway 65 to Vienna Road, 2.54 miles, \$110,642. Kissel from Fischer to Schaeffer, .42 miles, \$16,456.<sup>2</sup> Booker Road from Red Bank to dead end, .49 miles at \$19,209. Carrington Drive from Mt. Pleasant to Berringer, .17 miles, \$7,405. Volkman Road, Old State to Barton, 1.29 miles, \$50,573. Trapp from Buente to Baseline, 1.30 miles, \$216,700. Bixler from Nisbet to Woods, 1.48 miles, \$44,800. Hillside, which was a project that we started last year, you can see this is just the base down, and John Stoll has a portion of this road that has a contract on it to take care of some visibility issues and some banking issues, but what's remaining is .49 miles of surface material only, \$34,927. Hepler Road from Baseline to 65, 1.3 miles, \$102,960. Evergreen from Mallard to Hunter's Green, .15 miles at \$6,534. Terrace Green from Greenlake to the dead end, .65 miles, \$28,314. Red Bank Road, Upper Mount Vernon to New Harmony, 2.02 miles, \$87,991. Cypress Creek from Hillsdale to Live Oak, .19 miles at \$7,448. Wyngate from Cypress Creek to the dead end, .17 miles, \$7,361. Live Oak from Cypress Creek to dead end, .13 miles, \$5,096. Vanness from Hogue to Upper Mount Vernon, .30 miles, including some intersection work at \$13,068. Rode Road from Oak Hill to Cunningham, .47 miles at \$18,425. That is the completion of the complaints that we've received from district two. I believe that total is \$1.7 million in the grand total of the proposal.

Commissioner Nix: Mike, before you go on. There's a couple that I wanted to ask you about, Trapp and Bixler. Could you look at the numbers on those again, just briefly before we move on. The amounts, the tonnage and the amounts look like they're way off. I don't know if that's a typo.

Inaudible: Resurfacing.

Mike Duckworth: I think there's quite a bit, what they figured into that was quite a bit of base work—

Commissioner Nix: Base and then surface both?

Mike Duckworth: Right.

Commissioner Nix: Okay, I'm sorry. Yeah, because that's a pretty good chunk right there. Thank you.

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<sup>2</sup>Actual dollar amount is \$16,465.

Mike Duckworth: Moving on to the third district. Is this district three? Okay, Red Bank to the dead end, I'm sorry, Melody Lane from Red Bank to the dead end, .48 miles at \$20,908. The other thing that I want to point out is some of these roadways are much wider than others and that can control the cost as well. Red Bank, Upper Mount Vernon from Red Bank to University, 2.75 miles at \$119,790. Schmuck Road from Old Mount Vernon to Bayou Creek, 1.85 miles at \$72,527. Locust Tree from Schutte to dead end, one tenth of a mile at \$3,920. Mahrenholz Road from Schutte to Pruis, .30 miles, \$11,761. Mahrenholz Avenue from Mahrenholz to dead end, .11 miles, \$4,312. Upper West Terrace, and I know we've received a lot of calls from the West Terrace Subdivision and those roads have deteriorated, for some reason, much more in this last year. Because we looked at some of those last year and they weren't in this bad of shape, but Upper West Terrace from Summerland to Key West, .83 miles at \$36,154. Summerland from West Terrace to the dead end at .10 miles at \$4,356. Key West from West Terrace to the dead end at .10 miles at \$4,356.<sup>3</sup> The third district a little bit over nine miles for \$390,036. I don't know that we've got the total of all three, but I've provided that information to you. This represents approximately \$2.3 million in requests. It represents a little over 35 miles, which is basically what we did last year. I would tell you that due to some factors that I mentioned earlier, the reduction in amounts allocated by the Council, as well as the increased costs in oil and materials, that I cannot tell you that we would be able to do this much with this amount of funding. So, two things are going to have to happen, either we're going to have to whittle it down and do some this year and some next year, or we would set the priorities up, see what we can do, and ask the Council to reconsider giving us more funds to do more.

Commissioner Nix: I know we've talked about this at length over the last three road hearings, and you and I have had quite a few conversations, one thing I haven't asked you is any of this carry over from last year at all?

Mike Duckworth: Yes, it does.

Commissioner Nix: Okay.

Mike Duckworth: We have allocated, the Council has allocated about \$1.3 million and we, no, that's not what you're question is?

Commissioner Nix: I'm sorry, go ahead with that and then I'll clarify my answer.

Mike Duckworth: Okay, due to the previous practice of basically saving up the escalation clause till the end of the year, we found ourselves about \$100,000 over budgeted. So, we utilized some of those funds out of '07 for the '06 paving that we did.

Commissioner Nix: Okay.

Mike Duckworth: Which put us another \$100,000 behind.

Commissioner Nix: I'll clear this up now.

Mike Duckworth: Okay.

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<sup>3</sup>Correct mileage is .27 miles at \$11,761.20.

Commissioner Nix: I guess, my question is without having last year's list, were any of these roads on last year's that we didn't get to?

Mike Duckworth: The continuation of Hillside.

Commissioner Nix: That was one of them, okay.

Mike Duckworth: Vanness and Hogue--

Commissioner Nix: Hogue.

Mike Duckworth: We did a little bit of work there, but because of utility work, we stopped, and now we'll go in after the utility work is continued and finished, we'll go in and put the surface down.

Commissioner Nix: That's what I remember. So, this is all pretty new? Or, most of it is pretty new?

Mike Duckworth: Most of it is new. Now, I will tell you that we continue to get calls about, you know, pot holes and this is the time of year that we do that, and we'll be looking at doing and I know the Commissioners are considering doing a pothole blitz. We work on pot holes about every day. Especially this time of year. As we do our paving and we get more into it, we have to do less and less, but we're always available, especially with the equipment that we have now. I would say to you that we're not going to get it all in one year, but we, I think we have a good plan here so that over the next few years we can get most, if not all, of this done.

President Musgrave: Commissioners, we're probably going to have to make some pretty serious cuts, we will definitely have to make some pretty serious cuts in the projects that he has brought forward to us, but I would like to discuss at some point whether that's today, whether that's next week after we gather more information, the possibility of going for an additional appropriation. We asked for \$1.1 million in our appropriation process, we received \$900,000. I know that in the past several million dollars more a year in very flush years have been devoted to road paving. I don't have all the facts now to tell you whether or not there's even a possibility of additional funding that maybe is in, that we've received in revenue and haven't appropriated. But, I think that those are facts we should have at our hand before we start discussing this. But, I still want the public to bring forward roads they didn't hear you describe that they feel strongly need to be done, because I would like to have a complete list.

Mike Duckworth: There are some subdivisions in this county that are in dire need. They are not on this list, and the reason being that there is so much surface and sub work that needs to be done, and the roads need to be completely removed and redone because there are terrific voids in some of these areas that are under these roads. We put band-aid after band-aid, and, so, I refer to Mr. Stoll and he's pretty well the expert on putting that plan together. He has a good plan about some other projects that he is contending with, and we worked pretty well together to put those things, to do the best that we can with the funds that we have, but I'll let him talk a little bit about what his plans are, and then we'll be glad to share any of those other concerns with the Commissioners.

Commissioner Nix: I would like to see that we table this for a week.

Commissioner Tornatta: Take it under advisement?

Commissioner Nix: Yeah, take it under advisement and then maybe, I don't know if a week's enough time, your paving season, I guess, I understand most of the batch plants are going to be open late March. I know we've seen a couple of pavers here, late March or so, so we've got about two weeks really to make up our minds. I would like to maybe see in two weeks we sit back down and—

Commissioner Tornatta: We don't have a meeting that second week.

Commissioner Nix: In two weeks we do not have a meeting?

Madelyn Grayson: We do not have a meeting on March 27<sup>th</sup>.

Commissioner Nix: Okay.

Madelyn Grayson: So, it will be April 3<sup>rd</sup>. We have a meeting March 20<sup>th</sup> and then it's April 3<sup>rd</sup> before the next meeting.

Commissioner Nix: Mike, do you, John, before you start, Mike, do you have an idea of when you're going to get—

Mike Duckworth: I think that would be fine. Normally how we start our paving season, and with the new paver we're going to be doing some training, and we will probably do that inside Burdette Park, and we know what needs to be done there. So, we can get the process started and we can, I think two weeks is fine, that gives us some opportunity to take more information and prioritize it and get it to you for—

Commissioner Tornatta: Three weeks.

Commissioner Nix: Three weeks.

Mike Duckworth: Yeah.

Commissioner Nix: That would work with what you've got planned?

Mike Duckworth: Right.

Commissioner Nix: And that will give us some time to drive these. I know we've had a chance to look at them, but this is the first time, I guess, all three of us have seen this complete list, and I appreciate the job you've done. One other thing too, and, I guess this is for the general public, if we don't get to one of these roads this year, if the road is in need of repair, we'll do what we can do, but next year it will be back on the list again. I think that's important that we emphasize that.

Mike Duckworth: I also want to say to you that there is a difference in how we do pot holes. If it's just a small pot hole, of course, we go out and we, if it's a large area, we can cut that area out, and kind of, I don't want to say put a band-aid, because it's much more complicated than that, but we can cut the area out and put a little base down and then put some surface down to smooth it out until we can get to the total roadway. So, we do some of that as well. So, we're not going to leave people with dangerous situations out there, anymore than we want to.

Commissioner Nix: And this is a little unique. This is the first year, I guess, in the three that I've been in office that we haven't been able to really pretty well pave



everything that's been requested. But, there is considerably more here, and, of course, the cost, like you say.

Mike Duckworth: Well, it's that popular road hearing show that you put together. As the one young lady said, it's cool and neat and people like to come and give us their information.

President Musgrave: Yes, they do. Mr. Fluty, I will be asking you to sit down with me and go over the revenue that you see coming in, fund balances that are there, what you see is the picture, in case the Commissioners want to ask Council to appropriate additional funds.

Bill Fluty: Okay.

President Musgrave: So, I'll look forward to that. Mr. Stoll, do you have good news for us?

John Stoll: No. Just like Mike, our budgets were reduced. Our contractual account, typically in past years we've requested \$750,000, it was reduced to \$500,000. Similar to what Mike was talking about, I know that we don't have enough money to cover all the concrete repairs that have been requested through our office as of yet. So, here again, we'll be in a position where we have to prioritize things. I don't have all that, any pictures of the specific locations in this Power Point today, but I can get you the list. I know it included repairs in the Villas Subdivision, Old State Subdivision, Brookview, I just don't have the entire list here handy. But, the needs exceed the budget on that as well. What we do have up here is a list of the projects that we had budgeted for in 2007. As you know, all the work that's going on out on the east side TIF district projects; we've got Cross Pointe extension between Columbia Street and Oak Grove, and then the widening of Cross Pointe between Virginia and Columbia and between Oak Grove and Morgan. Those were preliminary estimates up there based on the consultants estimates back when the proposals were taken on those projects. They have not been updated as of yet, but they will need to be updated—

President Musgrave: Mr. Stoll, before you go on, would you explain why these funds are not available for the road paving that Mr. Duckworth just outlined?

John Stoll: These funds are only available within the Burkhardt tax increment financing district, which is roughly bounded by Green River Road, Millersburg Road, I-164 and the Lloyd Expressway. It goes outside those boundaries just a bit, but not a whole lot. The tax revenues from that district are captured and used to pay off the bond issue, and, basically, only projects within that district can be funded with that bond. So, that's why these projects are able to be funded where the other ones are going to run short. When Cross Pointe is all said and done, we'll have a five lane road with landscaped medians for the section, basically, from Columbia to Morgan. The section from Virginia to Columbia won't have the median, but the rest of it will. So, it will be a nice road to move traffic out on the east side. The third project on this slide is Burkhardt Road right-of-way. That refers to the intersection improvement project at the intersection of Burkhardt and Virginia. That's a federal aid project that's been in the works for some time. We had it on hold for awhile pending what INDOT determined was needed to be done on the Burkhardt and Lloyd interchange. They have since put that project on hold, so we need to start pursuing our project again. It involves construction of dual left turn lanes on the Virginia Street approaches to the intersection, and lengthening the turn lanes on the Burkhardt approaches. The third one is Green River Road right-of-way, that will be used for the widening of Green River between Lynch and Millersburg. We've already

purchased most of the right-of-way up to Hirsch Road and we're just getting to the point where the right-of-way can start from Hirsch northward. In district two, here's some bridge projects we've got in the works. The first one is St. Joe bridge number 1924, that is an existing twin culvert structure that is in need of replacement. It's up near Nuebling Road. We will replace it with a single, probably concrete box structure. We're working on that right now. The second one is St. Joe bridge number 1921, that's located between Mill Road and Wimberg Road. We have since gotten the preliminary inspection report from the last bridge inventory, and now they're saying that project can be pushed off to the future, and given the fact that we need to use those funds elsewhere, I would recommend that we postpone that and use those funds towards First Avenue, which is another project I'll get to here in a minute. The third project is a project that was initiated from some of the road hearings last year. This is on Baseline Road. It would be the construction of a new bridge over the CSX railroad. This is about four tenths of a mile west of Highway 41. We've gotten some preliminary design done, and that project cost is going to go up. Some of the preliminary construction estimates were in the neighborhood of three and a half million. So, we'll have to go back for an additional appropriation on that. The fourth one is out on Bromm Road. It's an existing one lane culvert, we need to widen it to two lanes and replace the substandard structure that's there. This was postponed for a couple of years while we got some right-of-way issues resolved. We finally have the property lines pin pointed well enough to know who we need to buy right-of-way from. So, that one is proceeding right now as well. The next project is another federal aid project. This is the intersection of Oak Hill and Bergdolt. It consists of the installation of a traffic signal and the addition of left turn lanes on Oak Hill at Bergdolt. That estimated cost of \$150,000 was based upon the county's 20 percent construction share. In the event that we can't get this completed prior to the Green River project, this project will likely need to be postponed, because we can't have this project going on at the same time as the Green River project. I don't have all the final schedules as of yet, but that's something I just want to make the public aware of. The next one is one Mike referred to a minute ago on Hillside. This is an existing one lane road with two 90 degree turns that, basically, align so that cars couldn't pass safely. The project that we bid out was to widen the road to provide two lanes and to improve the two curves. The contract was awarded and we expect construction to begin once the asphalt plants begin work, functioning again. Once they start up—

President Musgrave: Will you hang on a second while she turns the tape over?

**(Tape change)**

President Musgrave: Are you ready?

John Stoll: Then the last one is another one of the TIF district projects. This is the widening of Green River between Heckel and Millersburg. There again, that was, I believe that's an estimated right-of-way figure. We are getting to the point where we'll start getting appraisals done, and start approaching the residents that will be affected by the project with right-of-way purchase offers. After the hearing tomorrow, then we can proceed with the right-of-way acquisition, which is the next step in this. This will result in Green River being five lanes between Heckel and Millersburg, and it will be four lanes from Lynch to Heckel. The last one is an on-going federal aid project at the Green River-Millersburg intersection. This ties into the rest of the Green River projects. This will result in the installation of a traffic signal at Millersburg Road and also the addition of turn lanes on the Millersburg approaches to Green River. That is an estimated local match since it is a federally funded

project. Third district we have replacement of a culvert on Hogue Road. This is just east of Vanness. This ties into some of the work that Mike Duckworth was referring to a while ago. His paving on Vanness will tie into whatever we don't pave, in conjunction with the replacement of this culvert. This last one is repairs to the settlement problems we keep battling on the north approach of the First Avenue bridge. Basically, what the consultants are going to recommend is bridging over the poor soils out there. That's what's causing the on-going settlement. They have indicated that the poor soils are to a depth that is too costly to excavate. So, they are going to recommend, basically, building a 45 foot bridge in advance of the main bridge. That cost will roughly double. The next one is the installation of a flashing warning light at the intersection of Red Bank and Upper Mount Vernon. When this project was originally initiated this was proposed to be a flashing yellow for Upper Mount Vernon and flashing red for Red Bank. Since then the MPO has done some new traffic counts that indicates that this needs to be changed to a four way stop. So, we'll have the consultant modify his plans accordingly. The last one is University Parkway. This will be the local match, the 20 percent County share of the next phase of the project. That phase runs from Upper Mount Vernon Road to Marx Road. Right now we've got a right-of-way agreement that's being reviewed by INDOT, and once that's finally been reviewed and approved by INDOT, then we can proceed with right-of-way purchase. This probably won't go out until the end of this year, would be a ballpark guess, but if we could secure the right-of-way quicker, then we could get it out for bid quicker. These are just project, pictures of the individual projects. This is looking out across the fields at the current dead end of Cross Pointe looking north towards Oak Grove and Morgan Avenue. This is part of the section of Cross Pointe that will be widened from three lanes to five lanes, between Virginia and Columbia. This is a section of Cross Pointe between Oak Grove and Morgan. This will be elevated and widened to five lanes. Basically, what's out there will have to be totally reconstructed. There's really no practical way of just widening this. This just shows the project limits for a portion of the Green River project. This is the Hirsch to Millersburg segment. This shows the existing north end of where the pavement transitions back to two lanes. I'm sorry, that was in front of the soccer complex looking south, that wasn't down at Lynch. Here again, this shows the existing two lane road, no shoulders, for all practical purposes, and this will be widened to four and five lanes and elevated out of the 100 year flood plain. This is the intersection of Millersburg Road looking to the west. This is the federal aid project that's been on-going, and here this afternoon I have some right-of-way purchase offers that I'm going to ask your approval on for this project. This is the Pigeon Creek bridge that will be reconstructed, actually not reconstructed, replaced as part of this project. The bridge will be elevated substantially, and it will be above the 100 year flood elevation when it's all said and done. Here again, this is another shot of Green River just showing the two lane pavement. There's that picture again. This is another shot of Green River-Millersburg, right now we had just the one flashing light, and it's got, there's been an accident problem out there that originally got this project on the books.

Commissioner Tornatta: Just, could you mention the informational meeting tomorrow?

John Stoll: Oh, yeah, tomorrow at 6:00 at Christian Fellowship Church there will be a meeting to go over the Green River Road project. It's a public information meeting that basically will give a run down of what the scope of the project is, and then have the opportunity for individually affected property owners to meet with the consultants, so that way they can give specifics as far as how their property will be affected and what the road will look like in front of their properties. Pardon? I've got a few more. This is the twin culvert structure, this is the one that the consultants are now recommending that could be delayed for a couple of years on St. Joe. The same

bridge there. This is a shot of the Baseline crossing that will be bridged over with the construction of this new railroad bridge. The same project. This is the one lane culvert out on Bromm Road that will be replaced with a two lane culvert. This is the existing stop controlled approach on Bergdolt to Oak Hill. This will be a traffic signal when this project is all said and done. This shows the area where Hillside is going to be rebuilt, basically, those two curves will be improved, lines of sight will be improved and the pavement will be widened to make it passable for two way traffic. These are just the two 90 degree turns. This is a culvert out on Boonville-New Harmony just east of Old State, you can barely see the end of the culvert, but it's an existing corrugated metal pipe that needs replaced. That's just showing Boonville-New Harmony as it passes over. This is the location of the culvert out at Hogue and Vanness. That's just a shot of what would be replaced. This is the First Avenue bridge showing where the settlement problem exists over Pigeon Creek. It's at the northwest corner. The County Highway Department has made numerous attempts to try and patch that until we can get a permanent fix in, but it seems like it's been settling quite a bit faster as of late. This is the intersection of Red Bank and Upper Mount Vernon where the flashing light will be installed. This is University Parkway, that shows the entire balance of the project from Upper Mount Vernon to Diamond, but the next portion that will actually be constructed will just run from Upper Mount Vernon to Marx because insufficient funds exist to get it all the way finished. We will purchase the right-of-way for the remainder of the project, because the federal funding earmarks that came in will allow the county to purchase all of the right-of-way. We just can't get the whole thing constructed at this point. That's all.

President Musgrave: I won't ask you what you do in your free time, or Mike, because it's obvious that you don't have any. But, Commissioners, again this is the last call for additional projects. Are there any other questions or comments? Okay, thank you.

**Resolution CO.R-03-07-002: Supporting the General Assembly Bill to  
Increase Vanderburgh County Innkeepers Tax**

President Musgrave: At this time, you're not Marilee Fowler, Mr. Vezosso, but you are here with the resolution supporting the General Assembly bill to increase Vanderburgh County Innkeepers Tax. Welcome, Mr. Vezosso. You are the president of the Convention and Visitors Bureau, aren't you?

Joe Vezosso: I am. Thank you very much, Madam President and fellow Commissioners. It's a pleasure to be here. We've had the opportunity to meet with each of you individually and discuss the projects that were before you asking that you support a resolution to the Indiana General Assembly, and especially our delegation at the State House. Ours is a fun project, it's a win-win for everyone. About a year ago we hired a consultant to come in and look at the county, city and Warrick County's sports facilities and give us recommendations to improve our facilities so that we would have the ability to attract national tournaments into the Evansville area. To that end, the Hotel/Motel Association met and supported a resolution and asked that a bill be submitted to the state level for an increase in the Innkeepers Tax, and that that money be deposited in the Tourism Capital Development Fund, which is a brick and mortar fund that is used for brick and mortar projects that promotes tourism in Vanderburgh County. That all has to go through the County Council and they support the funding and they authorize the funding prior to the expenditures. So, we come before you to ask for your support with the resolution to our state elected officials, and if you would do that, we would greatly

appreciate it. If you have any questions about the resolution, I would be glad to try to answer them.

President Musgrave: Commissioners, are there any questions?

Commissioner Nix: Do we want to read it into the record?

President Musgrave: Do you have a copy of it there?

Joe Vezosso: I do not have a copy of the resolution, Ma'am.

President Musgrave: Do you want to read it, Bill?

Commissioner Nix: Yeah, that's fine. For the record, resolution supporting the General Assembly bill to increase Vanderburgh County Innkeepers Tax. The resolution number is, I don't think we have that yet.

"Whereas, the Vanderburgh Convention and Visitors Commission supports a two percent increase in the Vanderburgh County Innkeepers Tax to be used for Capital Development projects; and, Whereas, the General Assembly is considering the passage of House Bill 1263 that would increase the Vanderburgh County Innkeepers Tax by two percent to support the Tourism Capital Improvement Fund; and, Whereas, the Vanderburgh County Commission supports the proposed two percent increase for the Vanderburgh County Innkeepers Tax as endorsed by the Vanderburgh Convention and Visitors Commission to be used for Capital Development projects. Now, Therefore, be it resolved that the County Commission hereby requests that the General Assembly pass legislation that will enable the Vanderburgh County Innkeepers Tax to be increased by two percent as endorsed by the Vanderburgh County/Evansville Convention and Visitors Commission."

I've got the date of the 13<sup>th</sup> of March, 2007 by the Vanderburgh County Commissioners.

President Musgrave: Is that in the form of a motion?

Commissioner Nix: I make that motion, yes.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Joe Vezosso: Thank you very much, Commissioners. I would tell you that the bill has kind of been put on the back burner at the state level, but we hope to get it attached to someone else's bill before the end of the session. We do appreciate it. I would tell you that the County Council also passed a similar resolution at their last meeting. So, thank you very much for your consideration and support.

**Evansville Auditorium and Convention Centre Booking Policy**

President Musgrave: Before you leave, since Marilee is not here, are you here also to represent the Evansville Auditorium and Convention Centre booking policy?

Joe Vezosso: Yes, I am.

President Musgrave: Would you like to go ahead and address that now?

Joe Vezosso: I would, because it's awful warm in this room, and I would like to be able to leave.

Commissioner Nix: We're going to get that worked on after this meeting today.

Joe Vezosso: About a year ago, in cooperation with the County Commissioners and also with the Centre and the Convention Bureau, we brought in a consultant to look at the operations of the Centre, the sales operations of the Centre and the sales operations of the Convention Bureau, and to bring us together as a team and make it a concerted sales effort on the part of both of those organizations. In doing that, one of the recommendations of the consultant was that we come up with an agreement between the Centre and the Convention Bureau, that told each group the time frame that they were to sell the Centre in and how to go all about that. So, what we've done, we've come up with this agreement, and essentially what it says is that the Evansville Convention and Visitors Bureau will be responsible for booking the Centre 18 months and out. So, in other words if you go 18 months out from today, that would be the responsibility of the Convention Bureau to sell that space over there. Eighteen months and under would be left to the sales staff of the Centre to sell that facility. So, if we're looking at large conventions that normally book two to three years out, it really cuts back on the effort, because the Convention Bureau is going to be there anyway selling the whole community, as well as selling the Centre. So, it was kind of redundant to have both sales groups at the same trade show, selling the same thing. So, we feel that it's a win-win for the Centre and the County, it's a win-win for the Bureau, and we just whole heartedly endorse this. We ask that you all support this and execute this agreement between all the bodies. It's not only the Commissioners, but we're asking that the City, the Mayor's office sign off on it, the County Council, the Bureau and the Centre. So, if you would support that, we would greatly appreciate it. If there's any questions, I would be glad to try and answer them.

President Musgrave: Is there a motion?

Commissioner Tornatta: I make a motion to accept the agreement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you and everyone for all the hard work. I know that this took months to negotiate, and represents the culmination of several years worth of desire in this regard. So, thank you.

Joe Vezosso: Thank you, Ma'am. I think it will be good for all of us. I wish it was cooler in here for you all, because you've got a long night ahead of you. But, I'm getting out of here. Thank you very much, Ma'am.

President Musgrave: Thank you.

**Final Reading of Vacation Ordinance: CO.V-02-07-001:  
Two Public Utility Easements in Vanderburgh Industrial Park**

President Musgrave: We move now to the final reading of vacation ordinance CO.V-02-07-001, the vacation of two public utility easements in Vanderburgh Industrial Park. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: Is there any public comment before I take the vote? Seeing none. All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes.

**Prosecutor: American Corrective Counseling Services Agreement  
Matrix Integration Engagement Proposal: Courts (Deferred)  
Pedcor Agreement Regarding Improvements: Green River Road  
Varian Agreement for Lead Detection Instrument: Health Dept.  
Verizon E911 Services Contract: Central Dispatch**

President Musgrave: We move now to contracts, agreements and leases. I'm pleased to welcome several members of the County Prosecutor's office. Doug Brown, and you're here to discuss the new check recovery contract—

Doug Brown: I am.

President Musgrave: —and the procedure that's involved with that.

Doug Brown: We've had a check recovery program in our office for approximately 16 years, and it's been provided at no cost to both the county and the participants. The program has brought in less and less funds over the last few years. We looked at privatizing this three or four years ago, we did not. We actually contacted this company three or four years ago, American Corrective Counseling Services, we decided not to go at that time. But, the last two or three years we're bringing in almost nothing. A lot of that is because big businesses like Wal-Mart, things of that nature are actually with these groups already, so they're not going with us anymore.

So, we looked at them again here in the last couple of months, and we decided that would be the way to go. We think we can serve the county much more efficiently, it's a win-win for everybody. We will, hopefully, get more money into our office, we'll collect more money for people in the county. That's where we are. We submitted a contract for your approval, and we were asked to come and speak today. Cindy Wise is here. She can answer your questions. She has a Power Point presentation, or she can just briefly go through it, whichever your patience and your comfort level dictates.

President Musgrave: Well, I know the public will be interested in the change, so, perhaps you can hit the highlights—

Doug Brown: Okay.

President Musgrave: —of what the public will see for those inadvertently or undesirably receive a bad check, and for those who write one. If you can just hit the highlights.

Cindy Wise: Pardon, I'm sorry, I didn't hear you?

President Musgrave: Just hit the high points, if you would.

Cindy Wise: I will definitely hit the high points.

President Musgrave: Okay, thanks.

Cindy Wise: I have the presentation, unfortunately, it's not as pretty as your Highway Department. Even with the dump truck his looks much better than mine. So, as he said, I'm Cindy Wise, and I'm with a company by the name of American Corrective Counseling Services. We are celebrating our 20<sup>th</sup> year this year. We work with close to over 160 counties throughout the United States, doing their bad check restitution programs. We proposed it, like Mr. Brown said, several years ago, they've lost a lot of business that the businesses such as Wal-Mart....you can kind of click through there real quick, I can show you what businesses actually work with us, because of their trust in us. Wal-Mart used to use the local Prosecutor's offices throughout the country and determined that they wanted one, unified system. This is actually our footprint, and we're even stronger than that. That kind of gives you a feel for where we're at throughout the country. We work with some of the largest counties in the United States. We work with Chicago, Los Angeles, Miami, Boston—

President Musgrave: Please just focus on what the public will see here.

Cindy Wise: What the public will see here is an increase in restitution. We have an excellent recovery ability. We work on behalf of the Prosecutor's office. So, everything that we send out is reflective of their office, and everything that they've approved. So, they will see an increase in restitution, there will be revenue back to the Prosecutor's office to support them on prosecuting those cases. We have a community relations effort, excuse me, that we provide, and that is going to be Collette Griffin. We actually go out and work with the community. We show them how to file with the program, we explain it to them so that they are not lost in the shuffle. Then, like I said, we do a lot of outreach as far as the chambers. We work very closely with Civic groups. That's pretty much it in a nutshell as far as the differences you're going to see, without going into detail about who we are. This gives you a great overview of what we do.



President Musgrave: Super. Mr. Brown, again, is there any additional charge to anyone, including the county or the folks who are collecting of the bad check?

Doug Brown: This is, there is no charge to the actual businesses using the program. The Prosecutor's office will actually bring in a little more per bad check that is collected than we were presently. Actually, almost double. The only difference would be the people who are writing the bad checks now will be required to go through a program provided by this service, and this program has proven quite efficient as far as helping people manage their assets and not write bad checks in the future. So, hopefully, we will see less and less of that.

President Musgrave: What will the employee who has been funded by the county, or perhaps by a grant, I can't remember which?

Doug Brown: Well, right, it's always been a self-sufficient program. So, right now we have nobody. We're having different people chip in.

President Musgrave: Oh, okay.

Doug Brown: We have one employee who's kind of...it was a full time, it went to part time, and now we have someone who's kind of chipping in. We'll have to have an employee that will be a liaison with this group, but, generally, the revenue going in will probably go mostly to help fund a victims assistance person, because we've lost a lot of money in that area with grants drying up and just people's salaries increasing. So, what was once a three person operation is a one to two person operation right now. So, that is where we are going to head, or direct this money. Thank you.

President Musgrave: Is there a motion to approve the contract?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Next on the agenda is the Matrix Integration engagement proposal for Courts technology. It's my understanding that that is not ready?

Ted C. Ziemer, Jr.: No, that will be next week.

President Musgrave: Okay. We move forward to the Pedcor agreement regarding improvements on Green River Road. Mr. Stoll, are you still here? I think he's stepped out. Oh, there you are. Sorry. Do you have any comments on this?

John Stoll: Basically, the agreement provides for one of two options to take place. Pedcor has to build a decel lane for their development or it will be built in conjunction with the county's Green River Road project. If it's done in that manner, then Pedcor will reimburse the county. But, the County Attorney spent quite a bit of time putting this together, and it looks like they have everything covered now.

President Musgrave: Is there a motion to approve?

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: County Health Department, is it Varian agreement for lead detection instrument? I know that this has been reviewed. Are there any questions for the Health Department? I see them here.

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The Verizon contract, E911 services. If there are no questions, is there a motion?

Commissioner Tornatta: Motion to approve contract.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

<b>Letter of Support for University Parkway</b>
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President Musgrave: There's a letter of support for University Parkway.  
Commissioner Tornatta?

Commissioner Nix: I make a motion that we approve.

President Musgrave: Okay.

Commissioner Tornatta: Okay, second. I'm on board now. Sorry.

President Musgrave: I'm sorry, what did you say?

Commissioner Tornatta: No, I'm on...I didn't know how we were going through that.  
Yes.

President Musgrave: Oh, okay.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Letter of Support for Additional Tornado Sirens**

President Musgrave: Letter of support for additional tornado sirens?

Commissioner Tornatta: Second, or, motion.

Commissioner Nix: I will second that.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Superintendent of County Buildings**

President Musgrave: Department head reports. Ms. Nichoalds, I understand you have an additional appropriation?

Marissa Nichoalds: Yes, I just have one appropriation request to go to Council next month. It's for \$245 to make a correction to an error in the salary ordinance.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**County Attorney**

President Musgrave: County Attorney, you have a bid opening to report upon?

Ted C. Ziemer, Jr.: On the bids received and opened this afternoon for the Kuebler Road bridge; Deig Brothers, \$170,493.98; Gohmann Asphalt, \$159,504; J.H. Rudolph, \$105,291.40; Ragle, Inc., \$121,756.60.

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

Commissioner Tornatta: Second.

President Musgrave: Mr. Ziemer, would you turn your microphone off? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Do you have more to report?

Ted C. Ziemer, Jr.: I do. Thank you. I have e-mailed the Commissioners, we received, actually only this morning, two...are we going to do the Superior contracts?

We've received requests from Chief Judge of the Superior Court that we approve two Superior Court Day Reporting Drug Court agreements. The situation is, the prior agreement was with Mike Collins, and it called for payment to him of \$1,545 a month to perform that service. Mike Collins is going to be deployed to Iraq a little later this year, at which time we will need someone else to take over that service. So, the way the Courts and I have suggested we do this is that we have two agreements, one will be with Mr. Collins for the period from April 1<sup>st</sup> through December 31<sup>st</sup>, and the other one will be with Deputy Sheriff Shannon Henry for the same period. Instead of being paid a lump sum per month, they will each be paid for the hours they work at \$27.27 per hour. So, part of those hours will be worked by Mike Collins, part of them will be worked by Shannon Henry. It's believed that at the end of the period, on December 31<sup>st</sup>, it will work out to approximately \$1,545 a month, which is what we've been paying in the past. Judge Trockman did not get an opportunity to sign these today, but they're here and if you approve them, we could sign them and then forward them to the Courts for approval.

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: We have been negotiating with GAGE, which is Growth Alliance for Greater Evansville for what we were originally considering a grant, and for a variety of reasons GAGE would rather be in a position to perform services for the county, in return for a fee. The contract calls for the payment to GAGE of a fee of \$150,000 in return for which GAGE will provide a whole list of services which are described in the contract, including some specifically designed to advance various projects particular to Vanderburgh County, as opposed to the City of Evansville. Though they are going to be providing services for both the City and the County, the contract is for one year. GAGE has appropriate insurance. This has been approved by Greg LaMar of the Metropolitan Development Department and also by the attorney for GAGE. It's satisfactory for execution, should you decide to approve it.

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

Ted C. Ziemer, Jr.: Finally.

President Musgrave: Wait a minute.

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

President Musgrave: I want to make some comments on the record about the GAGE contract. This is the successor for Evansville and Vanderburgh County to Vision-e, which many of you will recall, I guess, ceased to exist some time ago. This organization will now help us with our economic development efforts. As the appointee to that board I am happy to tell you that they've been working very hard

already. The future looks very good. So, with that said, are there any other comments? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Okay, you'll recall that some time ago the State of Indiana offered to sell approximately 70 acres of surplus, state surplus property to Vanderburgh County. We have been negotiating with the state to provide us with assurances regarding the environmental condition of that property. The state has now indicated that, they forwarded to me a report from the Department of Natural Resources, issued in 1990, which they suggest we rely on to indicate that there are no environmental hazards there. It's our opinion that that's too long ago to be safely relied upon. Earlier Commissioner Nix has reviewed and suggested our entering into a contract for a phase one study of this real estate to be performed by Summit Environmental Services. I have reviewed that contract, If the Commissioners would approve that, Summit would provide the services for a fee of \$1,850, which is pretty standard for a phase one environmental survey. The state also indicated that, you'll recall that they were initially asking that we pay \$50,000 for the property, and we have now negotiated them down to \$10,000, and they say that with that great reduction in the price, they don't feel they are in a position to pay the \$1,800 for the phase one survey. So, we would recommend that we do have a survey done, and it's probably appropriate that the county pay for that.

Commissioner Tornatta: I'll make--

Commissioner Nix: Excuse me.

Commissioner Tornatta: Oh, go ahead. I'm sorry.

Commissioner Nix: In the e-mail that you'd sent earlier today there was something that someone had not completed. I don't know if they didn't have the insurance requirements?

Ted C. Ziemer, Jr.: Oh, yes. Thank you. I did check with Summit, their agreement doesn't indicate anything about insurance. I've talked to their insurance agent, they will provide to the Commissioners office, it might already be there, certificates of insurance at levels which are satisfactory to me, showing that they have liability insurance to cover them while they're on our property.

Commissioner Nix: Thank you.

Commissioner Tornatta: I would make a motion to proceed with the phase one.

Commissioner Nix: Second.

President Musgrave: I'll note that we are proceeding with this environmental review at the request of County Council. Any other comments? Are there, all those in favor?

All Commissioners: Aye.

President Musgrave: I think the heat is beginning to get to me. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: No.

<b>County Engineer</b>
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President Musgrave: Are there any other department heads with a report? Mr. Stoll? This is your third visit to the podium today.

John Stoll: I'm getting my exercise today.

Commissioner Nix: He's on a roll.

John Stoll: I've got a few items here. The first is a request for street plan approval for Preston Oaks Subdivision. This is located west of St. Joe and south of Lexington. It's just a short extension of a cul-de-sac street. I've reviewed the plans, they've made the changes we've requested, so, I would recommend approval.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The developer is also requesting a sidewalk waiver for that subdivision, and I would recommend that that be approved as well.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: Next, I've got some right-of-way purchase offers that are needed out at the Green River Road-Millersburg Road intersection project. The parcel numbers, the owners and the amounts are the following; parcel 11, Beck, \$1,800; parcel 12, Melton, \$170; parcel 13, Grammar, \$30,700; parcel 15, Kassenbrock, \$17,200; parcel 16, Hutchinson, \$10,000; parcel 17, Oglesby, \$2,900; parcel 19, Bass, \$17,600; parcel 20, Kessler, \$3,800; and parcel 24, Purdue, \$850. I would request your approval so we can make those offers.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

John Stoll: Last, I have an IDEM permit for the Baseline Road bridge project. This needs the Commissioners signatures. This is the water quality permit that is required for this project.

Commissioner Nix: So moved.

Commissioner Tornatta: 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, thank you.

Commissioner Nix: Thank you, John.

President Musgrave: Any other department heads? Seeing none.

### **Board Appointments**

President Musgrave: We have a board appointment, the Coalition to End Homelessness. This is the financial advisor position. Mr. Andrew Smith has indicated a desire.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

### **New Business**

President Musgrave: Is there any new business? In case I've told somebody I would bring up new business and I've forgotten it now, make sure you remind me of it.

### **Old Business**

President Musgrave: Any old business?

### **Public Comment**

President Musgrave: Is there any public comment, besides the fact that it's too hot in this room?

<b>Consent Items</b>
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President Musgrave: Consent agenda, is there any additions or changes to the consent agenda?

Commissioner Nix: I have one change that was on my desk when I got here this afternoon. It's for pay requisition number 84 for the new jail construction. It's just a combination of a lot of things we've approved over the last couple of months, along with some release of some retention for some contractors out at the site. I would entertain, or I would make a motion that we approve this.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Would you make a motion for the rest of the consent agenda?

Commissioner Nix: Yes, also I would like to move approval of the rest of the consent items.

Commissioner Tornatta: I'll second that.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion to adjourn?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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



**CONSENT ITEMS:**

**Commissioners:**

Pay Requisition No. 84: Jail Construction Project: \$258,043.37  
Evansville ARC: January 2007 Report of Activities.  
Knight Township Fire Department Drawdown No. 17 of CDBG Funds.  
Letter Appealing Township Assistance Denial.  
Letters of Support for USI-Burdette Bike Path (4).  
Letter from Senator Bob Deig regarding SB 491.  
Complaint Letter on Old Henderson Road property.  
Department Head Meeting Notes: February 27, 2006.

**Employment Changes:**

County Highway (1)	Sheriff Office (1)	Circuit Court (1)
County Assessor (2)	Election Office (1)	Treasurer (1)
Knight Assessor (2)	Recorder (1)	

**Travel Requests:**

Health Department (11)	County Assessor (1)	Commissioners (3)
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**Auditor:**

A/P Vouchers: March 2007.  
Surplus Letter: phones.

**County Assessor:** Surplus Letter: scanner.

**County Clerk:**

Monthly Reports: December 2006 & January 2007.  
Waiver of Fees/Not OT: Centre: May Primary Poll Worker Training @ the Centre.

**Treasurer:**

Monthly Report: February 2007.  
Year-to-Date Investment Report: February 28, 2007.

**County Engineer:** Pay Request No. 19: Burkhardt-Green River TIF: \$33,375.91

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Patty Avery	Amy LoBue
Karen Hellenberg	Nicole Simmons	Melody Hart
Vickie Taylor	Jim Dittoe	Joe Vezosso
Doug Brown	Cindy Wise	John Stoll
Mike Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
MARCH 20, 2007**

The Vanderburgh County Board of Commissioners met in session this 20<sup>th</sup> day of March, 2007 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 March 20, 2007 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions on my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Bill Nix: Bill Nix, County Commissioner.

Cheryl Musgrave: Cheryl Musgrave, County Commissioner.

Troy Tornatta: Troy Tornatta, 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.)

**Award Bid: VC07-03-01: Kuebler Road Bridge Rehabilitation**

President Musgrave: Is there a motion to award the bid VC07-03-01, the Kuebler Road bridge rehabilitation? Is Mr. Stoll here to tell us who we're going to award that to?

John Stoll: The low bidder on that project was J.H. Rudolph, and the bid amount was \$105,291.40. Everything was okay with their bid. So, I would request that it be awarded to them.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Welcoming of North High School Government Class**

President Musgrave: We move now to our first action item. Before we do, I would like to welcome the senior government class from North High School. Welcome. I understand that you're just getting in under the wire on your attending a government meeting. I say that you chose a good one, because this one will be very short. Last week it was like an hour and a half. Yeah, so, welcome today.

Government Students: Thank you.

Commissioner Nix: Go Huskies, huh?

**2007 Health Services Agreement: Welborn Health Plans  
2007 Agent/Employer Service Agreement: Cincinnati Life Insurance  
Matrix Integration Engagement Proposal: Courts Technology**

President Musgrave: The County Commissioners 2007 health services agreement with Welborn Health Plans. This is an ordinary annual contract. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The 2007 worksite marketing payroll deduction agent/employer service agreement with Cincinnati Life Insurance. Again, this occurs every year. The money is in place. The attorneys have looked at it. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The Matrix Integration engagement proposal for Courts technology project. This is a \$50,000 project. The contracts have been reviewed, and the terms of the proposal have been approved by all involved, and the funding is in place. Is there a motion to be approved?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

<b>County Engineer</b>
------------------------

President Musgrave: We move now to department head reports. Mr. John Stoll, the County Engineer. Mr. Stoll, will you tell us about the award that Vanderburgh County and it's engineer, American Structure Point, I believe, won as well?

John Stoll: The award was for the Stockwell Road culvert project, where the two 96 inch diameter pipes were bored underneath Norfolk Southern Railroad, plus the new ditch was constructed, and, I believe, it was a 12 foot by 10 foot concrete box culvert was installed underneath Stockwell Road. It was completed, I believe, the fall of 2005, if I remember correctly. It was the consulting engineer's counsel that gave the award.

President Musgrave: My guess it's a fairly prestigious award in the state, and American Structure Point was quite honored to receive that. I'm new at the whole award and engineering discussion, but I understand that that was quite an honor. For a Vanderburgh County project to win an award, that's impressive.

John Stoll: As far as items that I have from my report, the first one is a change order for the Aabel Park sanitary sewer project. That was contract number VC06-06-05. It's for an increase of \$10,660.20. The primary reason for that increase was due to some additional asphalt patching that was required to complete the project. You might recall that was the Barrett Law project. So, now that we know the final contract amount, we can proceed with getting to the bond issue, and getting everything wrapped up. But, I would request your approval of the change order.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other item is also a change order. This is for the Baseline Road culvert number 130 repair project. This was contract number VC06-10-03. It was for an increase of \$1,196.47. That had some overruns in asphalt, that's primarily what caused that to have the overrun.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

**Purchasing**

President Musgrave: Alright. Is Debbie Spalding here? Please come forward. I understand that you have some car wash bidding that needs to be done.

Debbie Spalding: Yes, I wasn't able to get a hold of Ted Ziemer. So, I'm not sure if he's had an opportunity to review the agreements.

Kathryn Schymik: I didn't receive a message or any agreements from him. He is out of town until April.

Debbie Spalding: Okay. What we're doing is we are looking at getting prices on car washes. The last time this was bid out was in 2000, and the company that offered it before aren't able to extend that price any longer. So, we do have some price checks on that, and maybe at the next meeting, if I could come back, after he's had a chance to review the agreements?

President Musgrave: We will not be meeting next week.

Debbie Spalding: Okay.

President Musgrave: So, it will be the meeting after that.

Debbie Spalding: Okay.

President Musgrave: Alright?

Debbie Spalding: Thank you.

President Musgrave: Are there any other department heads who have reports. I see the Health Department, nothing? Okay. Ms. Nichoalds?

**Superintendent of County Buildings**

Marissa Nichoalds: I just have one request, the Polling Place Advisory Committee is working on establishing the polling precincts for the City election. With your permission I would like to send a letter to the precincts that will be the same as they were in the past. A letter asking for contact information. I would like to get that out this week, if possible.

President Musgrave: You mean the actual location where people will be voting?

Marissa Nichoalds: Correct.

President Musgrave: Okay, is there a motion to approve sending the letter to the—

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you, Ms. Nichoalds. Anyone else? I don't see anyone.

**New Business**

President Musgrave: We have some new business, a proclamation. I thought that Mr. Royce Sutton, Councilman was going to be here, but I don't see him.

Commissioner Tornatta: He did call, and he said he would be running a little late. So, if we want to move past, or if we want to—

President Musgrave: I'll take a moment to talk about our visitor to the department head meeting, Mr. Brian Glover, who is the Supervisor of Public Affairs and Safety for CSX Transportation. He gave a very important number that the public will want to know to call about complaints regarding CSX tracks, the crossings at tracks, potholes, anything of the above. So, for all the world to know, it's 1-877-TELLCSX. So, if you have a complaint about a CSX crossing, that's the number you want to know. Mr. Glover did come to talk to us, excuse me, about some issues that CSX has regarding, what do they call those, sidings, where they allow two trains to pass. Am I getting that correct?

Commissioner Nix: That's correct.

President Musgrave: He was suggesting, just for the public's knowledge, that they might be asking the Commissioners to close Stacer Road. The Commissioners offered several options to that, and Mr. Glover is going to take those suggestions back, and he will be in contact with us. Mr. Tornatta is taking the lead on those discussions, but any of the Commissioners would be pleased to take your calls regarding CSX's plans. There is nothing final at this time. We will keep you updated as that progresses.

Commissioner Tornatta: Just to clarify, our options were to not close Stacer Road, and to try and keep that open. So, CSX has several ways that they can go about doing business, but one of the ways that we're trying to work with CSX is to get some type of conversation points so that we both have an understanding of direction that we want to take. So, that's one of the issues we brought to Brian. He's going to take that back to his up line, and, hopefully, we'll be able to come to some consensus.

**Consent Items**

President Musgrave: While we wait just a few minutes longer, is there a motion to approve the consent agenda?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Old Business**

President Musgrave: Is there any other old business, or other new business?

**Public Comment**

President Musgrave: Is there any public comment? I see none.

**Line Street Church of Christ Day Proclamation**

President Musgrave: So, Mr. Tornatta, do you want to go ahead and read the proclamation, since Mr. Sutton has been delayed?

Commissioner Tornatta: I do have that. This is for the proclamation of the Line Street Church of Christ Day, Nov, I'm sorry, March 24, 2007.

"Whereas, the Line Street Church of Christ has dutifully served this community since 1927 and is one of the oldest churches in the central city of Evansville, Indiana, and; Whereas, the Line Street Church of Christ has answered the call to provide needed services and programs that meet the temporal and spiritual needs of many residents of our community, and; Whereas, the Line Street Church of Christ is a vital neighborhood based link between the residents in the surrounding neighborhoods and key services like child care and after school tutoring, and; Whereas, the Line Street Church of Christ has pledged to be every mindful of their duty to render equal services to all through its planned feeding program and clothes closet for the needy, and; Whereas, the Line Street Church of Christ offers an important opportunity to spread the word to all citizens of Vanderburgh County that they can reshape and influence revitalization efforts in their community, and; Whereas, the Line Street Church of Christ serves as an example of how faith, compassion, vision and commitment produce programs that address needs and enable individuals to excel, and; Whereas, Saturday, March 24, 2007, marks the day that the Line Street Church of Christ dedicates it's new edifice, the Kelley Campbell Atwater Educational Complex, Now, Therefore be it resolved, that the Board of Commissioners of Vanderburgh County does hereby recognize Saturday, March 24, 2007, as the Line Street Church of Christ Day,"

President Musgrave: And that's in the form of a motion?

Commissioner Tornatta: That's right. And just so I can make sure I get all this;

"And further extend appreciation to the Minister Marcus T. Watkins, and to all the members of the Line Street Church of Christ family for the vital services they perform and their exemplary dedication to the community."

Commissioner Nix: Second.

President Musgrave: All those in favor?



All Commissioners: Aye.

President Musgrave: With their being no other business, is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 3:42 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

March 13, 2007 Commission Meeting Minutes.

Monitoring Summary Report: Brake Supply Grant IDGF-05-750.

Evansville ARC: February 2007 Report of Activities.

University Parkway Phases I & II Project Update.

Letter from Senator Vaneta Becker: Senate Bill 491: Veterans Benefits.

Letter from Representative Crouch: Senate Bill 491: Veterans Benefits.

Letters of Support for Burdette-USI Bike Path (2).

Department Head Meeting Notes: 3/13/2007.

**Employment Changes:**

Public Defender (2)

Sheriff Office (5)

VCCC (7)

Treasurer (1)

**Travel Requests:** Health Department (8)

**Surplus Letters:**

Recorder: telephones.

Pigeon Trustee: file cabinets, marble counter top.

Center Assessor: telephones.

Commissioners: telephones.

Auditor: printers (2).

**Health Department:** Amended Fixed Asset Report: Removing Surplus Items.

**Weights & Measures:** Monthly Report: 2/15-3/15/07.

**Department Head Reports:**

Burdette Park

County Engineer

County Highway

Veterans Service

**Those in Attendance:**

Cheryl Musgrave

Bill Fluty

Madelyn Grayson

Others Unidentified

Bill Nix

Kathryn Schymik

John Stoll

Members of Media

Troy Tornatta

Marissa Nichoalds

Debbie Spalding

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
APRIL 3, 2007**

The Vanderburgh County Board of Commissioners met in session this 3<sup>rd</sup> day of April, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: I'm going to call to order the April 3, 2007 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, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

President Musgrave: Coming to his seat just now is attorney--

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

President Musgrave: And to--

Bill Fluty: Bill Fluty, County Auditor.

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

(The Pledge of Allegiance was given.)

President Musgrave: I'm afraid I overlooked one introduction. Please come to the microphone and tell us your name and what school you go to.

Jordan Brosmer: My name is Jordan Brosmer, and I'm from Harrison. Go Warriors!

Commissioner Nix: There you go.

President Musgrave: Welcome.

<b>Public Safety Telecommunicators Week Proclamation</b>
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President Musgrave: The first action item that we have today is a proclamation that was brought to me late, and, so, did not make it to the printed agenda. This is the Public Safety Telecommunications Week Proclamation. Commissioner Nix, would you like to read it? The city is issuing a similar one.

Commissioner Nix:

"Whereas, the Evansville-Vanderburgh County Joint Department of Central Dispatch is responsible for answering 9-1-1 calls for emergency

service from the citizens of Evansville and Vanderburgh County; and Whereas, in addition to telephone calls, Central Dispatch handles radio communications with and between the Evansville Police and Fire Departments, the Vanderburgh County Sheriff's Department and the five Vanderburgh County suburban fire departments, as well as other local, state and federal agencies, including the City Animal Care and Control Shelter, Indiana State Police, Evansville-Vanderburgh County and Federal Emergency Management Agencies, Indiana Department of Natural Resources, Federal Bureau of Investigation, U.S. Drug Enforcement Administration and U.S. Secret Service; and Whereas, dispatchers represent the integral link between the public and the public safety response system. Dispatchers are trained to gather pertinent information from calls for service and to prioritize those calls for the public safety agencies; and Whereas, as 9-1-1 operators, dispatchers are often considered the first responder to the scene of an emergency; and Whereas, the media is encouraged to use this opportunity to provide the community with not only an awareness of the Public Safety Dispatchers, but to reinforce the value and proper use of the 9-1-1 system. Now, therefore, be it resolved, that the Board of Commissioners of Vanderburgh County does hereby recognize and proclaim April 8-14, 2007 as Public Safety Telecommunicators Week."

President Musgrave: Is that in the form of a motion?

Commissioner Nix: That is in the form of a motion.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. I hope that we will not need any special help from Central Dispatch today. I know we have a lot of serious weather on the way. But, I would like to thank them for everything that they do all day, and everyday, with a special remembrance for what they did during the tornado.

<b>2007 Vanderburgh County United Way Campaign</b>
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President Musgrave: Next on our agenda is Sheriff Williams, the 2007 Vanderburgh County United Way campaign. Sheriff Williams, if you would like to come forward and say what you and your department will be doing?

Eric Williams: Sheriff Eric Williams. I can't really tell you exactly what it is we're going to be doing yet, because we're in the planning stages. But, as the chairman, on behalf of the county, for government fund-raising for the United Way, we're going to plan some things jointly with the Police Chief who's going to be chairing it on behalf of the city. I just know that we're going to need the cooperation from all the county employees and county office holders and department heads to make our drive a success on behalf of the county for the United Way.

President Musgrave: Thank you for taking on this effort.

Eric Williams: No problem.

<b>2007 Paving List</b>
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President Musgrave: Next on our agenda is County Highway 2007 paving list. Highway Superintendent, Mike Duckworth is here to discuss that list.

Mike Duckworth: Good afternoon, Commissioners. I would like to recognize Mr. Ziemer back, rested, refreshed from his two month vacation, something like that. I'm here today, and I've provided the Commissioners with not only a listing of those roads prioritized by myself and our department, but also a map giving you some indication as to the proximity of these roads. They represent approximately \$1.2 million worth of improvements, which fits within our budget. It also represents just a little over 22 miles, which is a significant amount less, and it is because of the increased amount of the base that we have to use for some of these roadways, as well as the increased cost in oil and gas prices. I would say to you that this still leaves approximately 13 or so miles that were requested. At this point, we would get these completed and see if that would represent all we can do this year. There is still the option, and, I think there is a meeting with the Council prepared to ask for any other funding that might be available to move into other roadways that need improvement. These represent what, like I said, our staff has indicated as to what we identified as the worst stretches of roadway. So, I bring those to you today as a proposal, and ask you to take them under advisement.

Commissioner Tornatta: Move to take them under advisement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Highway</b>
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Mike Duckworth: Do you want me to go into the couple of other things, so that I can get to my crews that may be handling some inclement weather? If that's okay.

President Musgrave: Bite your tongue.

Commissioner Nix: Before we go to that, we're looking at next week to bring those back, is that correct?

Mike Duckworth: Yes.

Commissioner Nix: For final approval on that?

Mike Duckworth: Yes.

Commissioner Nix: Okay.

Mike Duckworth: I think, and I don't know, Pat's going to talk to you about concrete street repair as well. I think, we're trying to coordinate those so you look at them at the same time.

Commissioner Nix: Thank you.

Mike Duckworth: Okay. In addition to that, I do want to mention to you that upon some discussions with you, I did, in fact, send a letter to Solid Waste, to Joe Ballard, requesting a \$25,000 grant for the cleaning of curbed roads in the county. This is a continuation of a program that we did last year through Solid Waste. The costs have gone up. It's contingent upon the city coming to an agreement with Allied Waste, and then, once again, we would bump up next to their contract and get the same prices for those services. It includes the same 24 mile area that we had cleaned on a regular basis last year. So, I'm asking for your permission to follow through with that.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Mike Duckworth: I would also point out to you, briefly, that we're requesting the permission to, and I don't know if Debbie's going to come up and talk to you about this, for bids for asphalt, pricing for our paving projects. We, this year, will include with these companies, a clause showing that the escalator will be done on a monthly basis, rather than at the end of the year, which caused us some difficulty last year. Also for D-limonene, which is the solution that we use to clean our trucks and our tools and our paver that cuts through the asphalt. As well as tack oil that we put down to do prep work for those street improvements. So, I would ask that you allow us to move forward on that bidding process as well.

President Musgrave: Alright, we will wait for Ms. Spalding to come up and—

Mike Duckworth: Okay.

President Musgrave: —let us know what her plans are in that regard.

Mike Duckworth: The only thing else I have is the approval of the hiring of an employee, and I think that's included in the consent items.

President Musgrave: Is there a motion to approve Mr. Duckworth going to the Solid Waste board?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We'll see you at the Solid Waste board.

Mike Duckworth: Okay, thank you.

<b>Purchasing</b>
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President Musgrave: Purchasing, permission to seek quotes on the moving of election equipment for both the primary and general, the Burdette Park food, Burdette Park shirts, Burdette Park beverages, D-limonene, tack oil and asphalt. Those last three things were not for Burdette Park, they were for the County Highway Garage.

Debbie Spalding: Great. Basically, I'm just seeking permission to seek the quotes, if they are within a certain dollar amount. The permission to seek quotes on the election equipment we're fairly certain, because of the dollar amount we'll be able to seek quotes, according to state statute. The food and the beverage items at Burdette Park, I'm also asking permission to formally advertise, if that needs to be done, after I speak with Burdette Park to get a better idea of the dollar amount they are expecting that to be. Then the Burdette Park shirts we would just need to seek quotes.

President Musgrave: A motion to do quotes and advertising as appropriate?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further?

Debbie Spalding: Just the County Highway—

Ted C. Ziemer, Jr.: Excuse me, the only thing you'll need to do is coordinate with Madelyn, if we do decide to seek quotes, so we'll know the advertising, I guess.

Madelyn Grayson: She generally sends the ads to the Courier herself in those instances.

Ted C. Ziemer, Jr.: Okay. So, we don't need to check about what meeting it's going to—

Madelyn Grayson: Yeah, she and I can coordinate that.

Ted C. Ziemer, Jr.: Okay, good, fine.

Debbie Spalding: I will at the same time that I send an advertisement to the paper send one to Marissa for the website, so people will know that there's a bidding opportunity available.

**Contracts-Agreements & Leases**

President Musgrave: The next item on the agenda is something that you were handling, which is the Purchasing for the county car wash agreement. I understand that there are more quotes to be obtained for that, and that we'll put that back until next week?

Debbie Spalding: Yes, we would like to request that that be tabled until next week.

President Musgrave: Alright. We will hear that next week then. Thank you.

Debbie Spalding: Thank you.

President Musgrave: The next item on the agenda is for the County Commissioners, an agreement with Don Schumacher and Associates, Incorporated. An agreement for consulting services for Hamilton Golf Course. This consultant, Mr. Schumacher, did a review of the parks for the Convention and Visitors Bureau, and that review did not include, I think because they did not remember that Hamilton was a park facility that would become available, or might become available. The Hamilton Park Golf Course committee that we set up is interested in having Mr. Schumacher review that property, and give advice to the committee, and, of course, then to the Commissioners. So, we have that agreement, it's been reviewed, and we can move forward, if it's your pleasure.

Ted C. Ziemer, Jr.: I would just add that we requested an insurance certificate, which we have received, and I've given it to Madelyn. So, it's in order.

Commissioner Tornatta: I would like to approve hiring Don Schumacher and Associates, Incorporated to do the consulting for the Hamilton project.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We move now to the Purdue Extension contractual services agreement. My understanding is that this is an annual agreement, and it comports to the statutory requirements, and that the funds which are used in the contract have been budgeted by County Council.

Commissioner Tornatta: The only thing that, I believe the funds have stayed, have maintained there, I think it's been at \$64,000 for about three years. That's due to Council. I mean, we can request this, but, we might have to run that through Council to see if they're willing.

Ted C. Ziemer, Jr.: The current amount is \$5,000 more. So, you're saying that the appropriation may not be sufficient to cover that? Is that—

Commissioner Tornatta: Well, it wouldn't, for this next budget year, I'm sure that's what we're talking. But, I will say that in the past two or three years, I know that that amount has been stagnant, even though the request has been to bump it up a certain amount of money. I think that's probably a Council question.



Marissa Nichoalds: I did speak to Sandie Deig this morning on this issue, and she verified that \$69,080 has been budgeted for 2007.

Commissioner Tornatta: Okay, good.

Marissa Nichoalds: So—

President Musgrave: Is there a motion to approve at this level?

Commissioner Nix: The \$69,080?

President Musgrave: Uh-huh.

Commissioner Tornatta: I think, it's been budgeted that way in the past. They bumped it down to the prior year's level. So, I'm just saying that's been the Council decision. So, I mean, we can approve it at whatever.

President Musgrave: Just to make sure I understand correctly—

Commissioner Tornatta: Uh-huh.

President Musgrave: —Council has appropriated \$69,080, and that's what the contract is for.

Commissioner Tornatta: They budgeted \$64,000, but the Purdue Extension wants them to budget \$69,000. In the past they put in the budget book \$69,000, but the Council has only budgeted at the prior year's amount.

President Musgrave: Apparently, this year they went with the full \$69,000.

Commissioner Tornatta: Well, we've not gone through budget hearings.

President Musgrave: I'm talking for 2007, and you're talking for 2008?

Commissioner Tornatta: Yes.

President Musgrave: Well, this is for 2007.

Commissioner Tornatta: Okay, well, then I don't know, is that amount in the budget, you're saying?

Marissa Nichoalds: Yes, it is.

Commissioner Tornatta: Okay.

President Musgrave: Is there a motion to approve?

Commissioner Tornatta: Yes.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We move now to the Sheriff buffer zone protection program sub-grant agreement. We have some notes here on this. It is a grant for the Sheriff's department to assist in the enhancement of protection around critical infrastructure and key resources to deter threats or incidents of terrorism aimed at those facilities. It's a four year grant. There are other notes on your agenda, if you have any questions, I'm sure the Sheriff could answer them. Or, is there a motion?

Commissioner Tornatta: Move approval.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We move now to Torian Hofmann Dillow and Flittner, Blue Chip renewal policy with Cincinnati Insurance. This is for the Sheriff's pension plan. It is a three year term on this contract, but, like many of our contracts, it's billed annually. The amount of money needed for the contract this year is budgeted, that's my understanding. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The drug and crime control division grant agreement.

Ted C. Ziemer, Jr.: The agreement provides, on its face, that the purposes of the agreement are described in exhibits A, B, C, D and E. No exhibits were attached to the document that was sent to me to review. We've checked with Lisa Whitehouse on that, she sent us a document, which I don't have, Kristin has it, which says that they didn't include those exhibits because they were part of the application for the grant. Well, I never see the application for the grant. So, I really can't comment on that agreement. I think it needs to be put off until next week.

President Musgrave: Any problem with that, Sheriff? It's not yours?

Ted C. Ziemer, Jr.: No, it's—

President Musgrave: Superior Court?

Ted C. Ziemer, Jr.: —Superior Court.

President Musgrave: Okay, I'm sorry. Alright, we will just bring that back next week. Will your staff pursue getting the—

Ted C. Ziemer, Jr.: I will.

President Musgrave: Alright.

<b>County Engineer</b>
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President Musgrave: Department head reports. Are there any...Mr. Seib, you are here today for County Engineer, John Stoll.

Patrick Seib: Good afternoon, Patrick Seib, Assistant County Engineer. The first item that I have is to submit the 2007 concrete street repair cost estimates. A couple of our inspectors have spent the last few weeks going out to the subdivisions that we've had requested to have contractual concrete work for this year. Eleven different subdivisions, our cost estimate is over \$1.3 million. I believe, John said we have about \$530,000 in the account, suggesting we set a contract amount, an initial contract amount for about \$475,000. That will leave room for contingency. Invariably, when we get out to subdivisions, we'll have, we'll see that we have more work that needs to be done. So, I submit the list to you, breaking down each subdivision, what each one's estimated cost. We can go back and start looking and see which are the most needed. If there's places throughout that require more work than others.

Commissioner Nix: I had spoken to John this morning on this, and, basically, asked him to, and I understand we can get that maybe in the next couple of days by e-mail to give us a prioritized list of their feelings on that. Then we can incorporate this with the Highway Department's paving list next week for approval at that time then. So, if we could get that in the next couple of days, maybe we could make, take a look at, you know, ride these areas and look at them, and, like I say, come up with a priority.

Patrick Seib: That shouldn't be a problem.

Commissioner Nix: Okay.

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

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further?

Patrick Seib: The last item that I have is a request to accept Lynch Road. We went back through our fixed asset inventory, and we realized that we don't have on file anything showing where the Commissioners ever accepted Lynch Road from Burkhardt out to the Warrick County line. So, we have a formal road acceptance form submitted.

Commissioner Tornatta: I make a motion to accept the continuation of Lynch Road to the Warrick County line.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: That's all I've got unless you have any other questions.

President Musgrave: Alright, thank you.

Patrick Seib: Thank you.

Commissioner Nix: Thanks, Pat.

<b>Burdette Park</b>
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President Musgrave: Mr. Craig, Burdette Park?

Steve Craig: Steve Craig, Manager of Burdette. All I have today is I have two letters of support for the Burdette Park-University of Southern Indiana pedestrian bike and nature trail that I would want to submit. I will give a copy of that to Madelyn, so that she can have it on file.

President Musgrave: Would you read into the record who they came from?

Steve Craig: They are from PPG and GE. That's all I have, unless you have any questions for me.

Commissioner Tornatta: Steve, we had talked, your Advisory Board does a fantastic job of working with different organizations that come in, and potentially giving them some free passes to the pool or the batting cages or whatever you have out there. Maybe a request from the Commissioners would be, if you would sum up about how many passes you give out in a year, and then maybe throw a couple of extra in there, and then use that as your kind of your stock, or your inventory of passes, and then they know that during a year's time that they would give out a certain amount, and that would be it. That way you could kind of budget your passes. We could, we would like to just have some type of reference to how those passes are working. But, that would let your Advisory Board do what they do, which is try to promote the park.

Steve Craig: I can do that.

Commissioner Tornatta: I would make that in the form of a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I think that that will work very well to have the Advisory Board take care of that for the Commissioners.

Steve Craig: I think so too.

Commissioner Nix: Thanks.

Steve Craig: Any other questions?

President Musgrave: No.

Commissioner Nix: How's Burkhardt Road coming? Your pet project out there.

Steve Craig: It's coming along. We had a little glitch with the dirt. We're having trouble getting the dirt out there. You have to be in line to get the dirt, and if you don't take it all at once, they put you back towards the end. But, we've got a freeze coming up, five days in a row it's supposed to get down in the low 20's, and I hope it don't affect the plants any. But, I think it looks really good, and as long as we get enough rain it will be fine.

Commissioner Nix: Thanks.

President Musgrave: Thank you.

Steve Craig: Thank you.

President Musgrave: Wait, before you go, I know that you were mentioning to me earlier this week that your memorial tree project out at Burdette has really taken off. Did you want to tell us how many trees you've had donated so far?

Steve Craig: We've had six of them that we have planted, actually, and then I have five more that's on order. Well, actually seven more now that I have ordered, which will make us at 13 trees. We haven't really gotten all of the parameters laid out and that, but we are working....Rick Mitchell has donated his time to help design along the new trail that we'll plant bushes and trees that are indigenous to this part of the country, and make different areas along there for wind breaks and that. It's just getting off the ground, but Andy Schroeder of Fox is working with me. I look forward to working with him on it, and, like I said, we already have 13 trees donated to the park.

President Musgrave: I know you mentioned that you were going to try to get some brochures and letters out so that people know that they can plant a tree at Burdette, and it would have its own sign memorializing the family member or someone of their choice.

Steve Craig: We are looking into it. I have one of my employees looking into it about getting them put on the GPS, where you would be able to locate it and know exactly where it's at.

President Musgrave: Okay.

Steve Craig: It's coming along fine.

President Musgrave: Okay. Thank you.

Steve Craig: Thank you.

**New Business**

President Musgrave: Next item is one piece of new business. The Building Authority's revised Centre capital improvement proposal.

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. December 19<sup>th</sup> you approved the initial five year CIP for the Centre, with the information we had at that time. I indicated that I would come back here as we got further information. I'm doing that now. Even with a couple of remaining items, and I'll come back later, but, we're pretty well through the list in getting it to the point of looking at next year. We have been working on a number of the items, those that haven't been completed, we have purchase orders or quote requests out on, and we'll be moving through the entire list this year, hopefully. I request your permission then, and approval to go ahead with the revised 2007.

President Musgrave: Questions?

Commissioner Nix: I was just wondering, is there, is there any way we could look at this for a week and approve this next week? Or, are there some things on here you need to get taken care of? I just received this. I think Commissioner Tornatta did too. If we could look it over for a week.

Dave Rector: Yeah, there's nothing that is that urgent that we can't wait a week on.

Commissioner Nix: Okay, good.

President Musgrave: Is that a motion?

Commissioner Nix: Yeah, to take it under advisement.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Dave Rector: If you have any questions on it, just give me a call or e-mail. Thanks.

President Musgrave: Is there any other new business?

**Old Business**

President Musgrave: Any old business?

**Public Comment**

President Musgrave: Any public comment?

<b>Consent Items</b>
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President Musgrave: We have consent agenda. Does the consent agenda need to be amended for those two letters? No, because he presented them in person?

Commissioner Nix: Move approval of the consent agenda.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there any other business?

Commissioner Nix: Motion to adjourn.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 4:10 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the March 20, 2007 Commission Meeting Minutes.  
Waiver of Fees/Not OT Centre: Health Department, Indiana Supreme Court Judicial Technology and Automation Committee  
Energy Systems Group 2006 Annual Report: Centre.  
Veterans Memorial Coliseum: Common Construction Wage Scale.  
Evansville ARC : February 21, 2007 Meeting Minutes.  
Surplus Letters: Burdette Park (2), Treasurer (1), Juvenile Court (1), Circuit Court (1), County Clerk (1).  
Taxpayer E-Mail Requesting Animal Control Ordinance for Vanderburgh County.  
Department Head Meeting Notes: March 20, 2007.

**Employment Changes:**

Health Department (2)	County Highway (2)	Area Plan (1)
Co-Op Extension (1)	Public Defender (2)	VCCC (3)
Sheriff Office (1)	Election Office (1)	County Clerk (1)
Burdette Park (1)		

**Travel Requests:**

Health Department (5)	DADS (1)
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**County Engineer:** Pay Request No. 20: Green River-Burkhardt TIF Account.

**Purchasing:** Monthly Report: January 2007.

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Eric Williams	Mike Duckworth
Debbie Spalding	Patrick Seib	Steve Craig
Dave Rector	Jordan Brosmer	Others Unidentified
Members of Media		



**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
APRIL 10, 2007**

The Vanderburgh County Board of Commissioners met in session this 10<sup>th</sup> day of April, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

<b>Call to Order</b>
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President Musgrave: Good afternoon. I would like to call to order the April 10, 2007 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions on my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Andrew Ritter: Andrew Ritter, Go Wildcats!

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

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

(The Pledge of Allegiance was given.)

<b>Permission to Open Bids: VC-50-2007: County Highway Storage Building</b>
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President Musgrave: The first item on the agenda is a bid opening, VC-50-2007, the County Highway storage building. Do we have some bids? Is there a motion to open them?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Advertise: VC-52-2007:  
Trending Services for the County Assessor**

President Musgrave: First action item is the permission to advertise VC-52-2007 for trending services for the County Assessor. Are there any questions? Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**2007 Final Paving List**

President Musgrave: Mr. Mike Duckworth of the County Highway will now present the 2007 final paving list. We received the proposed list last week, and have had a week to consider it.

Mike Duckworth: Good afternoon, Commissioners, President Musgrave, ladies and gentleman. Mike Duckworth, Superintendent of the County Highway Department. I brought before you last, at the last meeting, a proposed County Highway paving list. It includes, basically, 22.66 miles at a cost of about, right at 1.2 million. One point two oh, oh one. This includes many secondary roads that have gone without attention for some time and are in dire need of replacement, and wedging and surface on several roads. Surface on many, and base and surface on several. This does not represent the same amount of mileage that we've been able to do in the past due to budget constraints, as well as escalated costs in oil prices and materials used in paving. So, this is the initial request to do, basically, the work that we have budgeted in our fund to do.

President Musgrave: Commissioners, are there any questions?

Commissioner Nix: No, I do have a comment though. I know that over the last three years we've done this, and the previous two years we were always able to get just about what we thought we could do, from a financial standpoint, get paved. I think it should be clear that the roads that we're paving are roads that need prepared. The ones, the balance of the roads that were on this list are not in that bad of shape that we can't come back and do some sealing and that, and as we get funds, if funds become available later on in the paving season that we can move ahead and possibly do those. But, I think we just need to make it clear that we're going to do a good job with this here, and we're also going to maintain what we've got that we won't be paving this year, that the roads will still be in good shape.

Mike Duckworth: I agree. One thing I want to point out is, about the first nine miles of the 22 miles are hold overs from last year that we didn't get to. So, every year we kind of try to catch up on the ones that have come at us several times. Like you say, we can go out and cut and patch and do what we can to hold those roads together,

whether it's crack sealing or whatever the case may be until next year until we can actually get to it to completely resurface the roadways.

Commissioner Nix: Along with that, crack sealing, the procedures you've got with this new machine now, we're able to do that and really get some life out these roads, versus thinking about paving them every year, that type of thing. Or paving them every 12 or 13 years, that type of thing.

Mike Duckworth: That's exactly right.

President Musgrave: I would like to report that Mr. Duckworth, Mr. Stoll and I did meet with County Council President, Marsha Abell, and County Finance Chairman, James Raben, on Monday, and we had a very good discussion. I know that that meeting continues tomorrow morning out at the County Highway garage, where they will review these pictures. Some questions came out of that as with regards to the current available fund balance that could be appropriated. Auditor Fluty, I know that those questions either already have come your way, or will be coming your way to talk about how much money is available now, what the revenue into those funds are between now and the end of paving season, perhaps, even, there might be some questions regarding historical funding in these line items.

Mike Duckworth: Mr. Fluty has agreed to come to the meeting tomorrow.

President Musgrave: Oh, that's wonderful.

Mike Duckworth: To answer any questions of the Council people and myself.

President Musgrave: Okay.

Mike Duckworth: I think that will really be helpful. I appreciate him taking the time to do that. Then we can kind of, at least, see where we're at, and where the Council, if they want to appropriate additional dollars or not.

President Musgrave: Council is taking a serious, steady look at this, and we will continue to pursue additional funding, if indeed there is additional funding, and work on any additional roads that we can get this year.

Mike Duckworth: That's right. In addition, we have shared that information with the Council for their input as well. So, we'll see what they say tomorrow. But, this list today that I have before you is the culmination of what my staff and myself have put together as to what we have assessed being the areas that are in the worst condition. So, I put that before you this evening.

President Musgrave: Is there a motion to approve the list that is fiscally responsible that we have now?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

### County Highway

Mike Duckworth: May I go ahead and take care of just a couple other quick things? In regards to the, I just wanted to report to you that we did have a minor oil spill today. I've provided those pictures with you, and that's being cleaned up on Old Henderson Road. I don't think that that will be any further problems, because the Sheriff's Department was very quick in the response, and our employees got out there and blocked it off. So, we've got a private group cleaning that up and watching the environmental side of it as well. In addition to that, there is one addition to your travel requests. There is a program tonight at Crossroads Christian Church, and it has to do with the response to, the departments that responded to the tornado. I've invited a couple of my supervisors, and at their own volition some of the members of our department will be there. I think that that's a good thing, because they were one of the first responding groups, as you well know, and I think it's nice that they're doing that for all of these different groups. So, I would ask for your indulgence in that travel request. It's just barely over the county line, but we want to be compliant with the rules to make that request.

President Musgrave: Is there a motion to approve that request.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Anything further?

Mike Duckworth: The only other thing is the bid opening on the storage, and I'll stay around until Mr. Ziemer advises us of the bids. Thank you.

### 2007 Concrete Street Repair List

President Musgrave: Next on the action list is the County Engineer, Mr. John Stoll, with his 2007 concrete repair list.

John Stoll: I had just given Madelyn the final version of the recommendations. I don't know if she's had a chance to pass those down to you as of yet. Based on the e-mail we had sent you last week, there is one change. Rather than doing Harper Heights, we thought it might be best to do Brookview Heights instead. That first group of subdivisions, back up a step, basically, our list was set up to concentrate on subdivisions as a whole, as opposed to jumping around all over the county and doing individual streets in subdivisions all over the county. Like Mike had said, he had some carry over work from last year, in that first group of Old State, The Villas, Deerfield, Eastland and Brookview, that has carry over as well, in Old State and Eastland Estates. We felt it would be best to go ahead and finish those out. The Villas and Deerfield are some small repairs that we can get, and they're not too far away from Old State, and neither is Brookview Heights. The recommendation from

me and my staff would be that we would go with those five subdivisions, and at a cost of approximately \$500,000.

President Musgrave: Are there any questions? Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: For the record, this is for Old State, Villas, Deerfield, Eastland, Brookview Heights, correct?

John Stoll: Correct.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Here again, if additional money is available, or if we end up having some under runs on these quantities, then we'll have more available to go pick up some other areas in other subdivisions here in the county.

<b>County Engineer</b>
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John Stoll: Did you want me to give my report now? Okay. Two other items, the first is in the Green River Road-Millersburg Road intersection project, it appears that there are two properties where septic systems are located within the right-of-way take. Therefore the consultant needs to have the septic systems located in detail. Their fees in conjunction with having the contractors locate that would be \$1,450, and I would request your approval to proceed with that.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other item is I would request your approval to have a legal ad notifying the public about the notice of construction activity on the Baseline Road Bridge. This is to be in compliance with the erosion control laws.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

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

President Musgrave: No.

**Reading of Bids: VC-50-2007: County Highway Storage Building**

President Musgrave: Are you ready with that?

Ted C. Ziemer, Jr.: I am, yes.

Commissioner Nix: Hit your mic there.

Ted C. Ziemer, Jr.: Okay, these are bids on the County Highway storage building. Happe Construction, base bid, \$338,953. Alternate one, deduct \$5,420; alternate two, deduct \$79,700; alternate three, deduct \$19,840; alternate four, add \$38.63; alternate five, add \$72; alternate six, add \$7,300. ARC Construction, base bid, \$297,825. Alternate one, deduct \$2,500; alternate two, deduct \$80,700; alternate three, deduct \$9,700; alternate four, add \$40.25; alternate five, add \$70; alternate six, add \$4,960. Excuse me, ECI Construction, base bid, \$251,700. Alternate one, deduct \$750; alternate two, deduct \$46,896; alternate three, deduct \$8,000; alternate four, add \$27; alternate five, add \$38; alternate six, add \$10,700. The last bid is from Empire Contractors, the base bid is \$395,900. Alternate one, deduct \$6,500; alternate two, deduct \$80,000; alternate three, deduct \$11,500; alternate four, add \$33; alternate five, add \$114; alternate six, add \$4,700.

Commissioner Nix: Move to take these bids under advisement.

Commissioner Tornatta: So moved, or second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Purchasing: County Car Wash Agreements  
Superior Court: Drug & Crime Control Division Grant Agreement  
Burdette Park: Lease with David Austill (Baseball Diamonds)**

President Musgrave: We move now to contracts, agreements and leases. Purchasing, the county car wash agreement. This was brought forward and tabled last week. It is now ready to go. Is there a motion to approve that?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: Commissioner Musgrave?

President Musgrave: Yes?

Madelyn Grayson: Is that with all three parties? There's three different agreements here?

President Musgrave: Yes. Superior Court Drug and Crime Control Division grant agreement. The exhibits that were missing last week were brought forward and all is satisfactory from a legal standpoint. The grant is good to go. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Burdette Park, the lease of land for baseball diamonds from Mr. David Austill. This is the typical lease, and it's just the renewal of it. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Attorney</b>
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President Musgrave: County Engineer, he had a report and he made it. Are there any other department reports?

Ted C. Ziemer, Jr.: I have one other contract. It's a grant actually. It's an amendment to the Health Department grant agreement from the State Department of Health for Childhood Lead Poisoning. The amendment increases the amount of the grant by \$30,000, extends the term of the grant to June 30, 2008. Otherwise it's satisfactory for execution from a legal perspective. I think Madelyn has the original in the file.

President Musgrave: Is there a motion to approve?

Commissioner Tornatta: So moved.



Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. No other departments?

<b>New Business</b>
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President Musgrave: Is there any new business? Mr. Stearns, were you here to give a department report?

Darren Stearns: No.

President Musgrave: Okay. Any new business? I would like to read into the record a letter that FEMA has sent to us. It is unusual that we get a letter like this, so, I would like to read it. It says:

“Dear Ms. Musgrave: In the four year history of FEMA’s pre-disaster mitigation grant program, we have learned many lessons about successfully managing a National multi-week evaluation process. During this year’s National evaluation we have encountered many new challenges and appreciate the lessons we continue to learn. In the face of each of these challenges, Roger L. Lehman provided thoughtful and dedicated service to the pre-disaster mitigation grant program evaluation process. It is my pleasure to acknowledge Roger for making a difference in the National evaluation process, in particular, for mitigation, in general. With my respect and appreciation, Lloyd Anthony Hake.”

President Musgrave: I think it Hake, H-a-k-e, the Grant Implementation Branch Chief, Mitigation Division of FEMA. As that’s a joint department, I think that’s very nice for FEMA to commendate our Building Commissioner for his help in the pre-disaster mitigation grant program. Is there any other new business?

<b>Old Business</b>
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President Musgrave: Any old business? We have the Building Authority’s revised Centre five year Capital Improvement Project proposal. We received that last week for our consideration. Were there any questions for Mr. Rector? Were there any changes to this?

Dave Rector: One slight change.

President Musgrave: One slight change?

Dave Rector: Dave Rector, Building Authority. I have one change that just came in late this afternoon from Scott Moore, the engineer with SMG. Next to the last item on the second page, the chiller oil pump replacement, we got a quote in for that close to \$7,000. So, I’ve put that in as an estimate for \$7,000 in 2007. Otherwise, all items remain the same. I’m open to any questions you might have on that. Darren Stearns just came in and is also here if you have any questions of him.

President Musgrave: Are there any questions?

Commissioner Nix: (Inaudible).

Commissioner Tornatta: Did you make a motion?

Commissioner Nix: No, I said, I have no questions.

President Musgrave: Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you, Commissioners.

President Musgrave: Thank you, sir. The update on the animal control ordinance. We received, by e-mail, a draft animal control ordinance. That was put together by Sheriff Eric Williams and his staff. I'm going to post this on our website. It is still up for discussion. We have not yet had first reading. I know that the Sheriff and the Commissioners would appreciate any additional comments. I've already shared some of my comments with the group. Specifically, I would like the public, I don't seem to have it here, it walked away since I was in my last meeting. Oh, I gave it to the attorney.

Ted C. Ziemer, Jr.: You did.

President Musgrave: It does deal with the issue that was brought to us regarding dogs that are in a neighborhood that, perhaps, bark and, I believe these particular dogs were attacking neighbors who would walk by with their own pets, or just walking by. So, it does address that issue. I know that the Sheriff met and spoke with many people. Did you want to discuss any of the folks that you met with to arrive at this draft ordinance?

Eric Williams: Sheriff Eric Williams. I just wanted to publicly acknowledge the people that gave me input, both e-mail and via the phone. The Health Department participated, the Evansville City Department of Transportation participated, the Human Society participated, and some other interested citizens. They all brought forth some information and input. I received several calls and e-mails, and we tried to encapsulate that into a good working draft for you all to take off with now and make an ordinance that's going to be practical and enforceable for Vanderburgh County. We appreciate the opportunity to have a say in what we're going to be doing.

President Musgrave: Again, I'm going to put this on the website. It should be up by tomorrow at noon, at the latest, I would think. We would appreciate your e-mailed comments to the Commissioners, or, I know that the Sheriff would also appreciate

those. Commissioners, can we look, should we direct our attorney to begin drafting this to bring back next week as a county ordinance?

Commissioner Nix: That would be fine.

President Musgrave: Is there a motion?

Commissioner Tornatta: I make that in the form of a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. So, we'll look forward to first reading on this draft ordinance next week.

<b>Public Comment</b>
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President Musgrave: Is there any public comment? I see none.

<b>Consent Items</b>
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President Musgrave: The consent agenda needs to be amended. We were expecting a letter of support for a matter on Highway 41, but that is not ready, and will be brought to you when it is ready. So, please amend the agenda when you make the motion to delete that item.

Commissioner Tornatta: Motion to accept the consent items with the exception of the support for the development of Highway 41.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. If there's no other business, a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. We are adjourned.

(The meeting was adjourned at 3:50 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Prosecutor (4)	Knight Assessor (1)	Scott Assessor (1)
County Highway (1)	Circuit Court (2)	Sheriff Office (3)

**Travel Requests:**

County Highway (1)	Health Department (3)	Auditor (1)
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**Auditor:** April 2007 A/P Vouchers.

**County Clerk:** Monthly Report: February 2007.

**Commissioners:**

IBAP Gatekeeper: Monthly Report, car repair by township, thank you notes.  
Legal Aid Society: March 2007 statistics.  
Old Courthouse Craft Show Spring Financial Report.  
Department Head Meeting Notes: April 3, 2007.

**County Engineer:** Pay Request No. 21: Burkhardt-Green River TIF Projects.

**Surplus Letters:**

Burdette Park: Surplus Correction: 2000 Ford.  
Building Authority: Jury room furniture (tables and chairs).  
Scott Assessor: Printer and computer.  
County Assessor: Copier.  
Public Defender: phones.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Mike Duckworth	John Stoll
Eric Williams	Dave Rector	Darren Stearns
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
APRIL 17, 2007**

The Vanderburgh County Board of Commissioners met in session this 17<sup>th</sup> day of April, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

**Call to Order**

President Musgrave: It being 3:30, I'm going to call to order the April 17, 2007 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.

Andrew Ritter: Andrew Ritter, Mater Dei High School. Go Wildcats!

President Musgrave: County Commissioner Cheryl Musgrave,.

Commissioner Tornatta: Troy Tornatta, 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.)

**Permission to Open Quotes:  
Burdette Park Day Camp T-Shirts & Moving of Election Equipment**

President Musgrave: Is there a motion to open the bids/quotes for the Burdette Park Day Camp t-shirts and the moving of election equipment?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**First Reading of Ordinance CO.04-07-005:  
An Ordinance to Establish Provisions for Animal Control**

President Musgrave: Our first action item is the first reading of ordinance CO.04-07-005, the animal control ordinance.

Ted C. Ziemer, Jr.: Madam President, there is one thing, on the copy of the ordinance that each of you have in front of you there is a blank that appears under item J on page four. That just didn't get filled in. It should say, if you're ready? It should say, "6.05.030". Thank you.

President Musgrave: Why don't we go ahead and ask for public comment. Sir, I believe you're here to discuss the animal control issue. Please come forward and state your name and address for the record.

Wilburn Muensterman: My name is Wilburn Muensterman. I live at 3310 Stacey Court. I'm also a Mater Dei Wildcat, although I went to Memorial. I'm just here to go on record to file a complaint against a lady by the name of Nancy Gump that lives at 3300 Stacey Court. She has eight dogs, they start in about 6:15-6:25 in the morning, and they go to sometimes 10:00-10:30 at night. I threw away my alarm clock two or three years ago. I just think something really needs to be done about it. I'm wondering about the limit of dogs too. I was told by the Sheriff she could have 20 or 30. When I called him out last Saturday night, they was barking from 6:30 till 9:00. He come out about 9:15, he drove up in the driveway, and they really went ballistic. He went up to the door, he knocked on the door, she wasn't home. He come over in my driveway, he said, "I can't do anything. She's not home, and if she would be home, I still couldn't do anything. I could only walk up and ask her nicely if she would take her dogs in the house. If she doesn't, there's nothing I can do." I said, "Well, that doesn't make sense, because in the county if a kid's driving a car and his muffler is making a little bit of noise, the Sheriff will pull him over and write him a ticket. So, why can't you do something with somebody that's rather rude and doesn't have any concern for her neighbors?" So, I'm here to find out what I can do to maybe get some kind of petition started to limit it to three dogs, or four dogs in the neighborhood, not eight, ten or fifteen in a little residential neighborhood. I just don't understand that. It confuses me. That's basically all I've got to say.

President Musgrave: Mr. Ziemer, I know you're occupied with going through those bid documents, would you take a moment and explain what the ordinance that we have on consideration now would do to help this gentleman, and others in his same predicament?

Ted C. Ziemer, Jr.: Actually, if it would please the President, I would rather have him call me and I'll be glad to explain it to him over the telephone. I'm going to have to read through the ordinance. As you know, it was written by committee, and what I did was negotiate with the committee a bit as to the terms of the ordinance, and then I drafted the ordinance. I don't even know everything that it says.

Wilburn Muensterman: Okay, my wife's a classmate of yours, Ted, Memorial '52, I'll let her call you, okay?

Ted C. Ziemer, Jr.: Okay. Yeah, and my phone number is 424-

Wilburn Muensterman: Let me get a paper.

Ted C. Ziemer, Jr.: Come here, I'll write it down, just come on up here.

Wilburn Muensterman: She's knows you better than I do.

Ted C. Ziemer, Jr.: Well, now you know me as well as she does. Okay, it's 424-7575.

Wilburn Muensterman: Any special time to call you?

Ted C. Ziemer, Jr.: No, just call me, if I'm not there my secretary will take a number and I'll call back.

Commissioner Nix: That's his office not his home.

Ted C. Ziemer, Jr.: Yeah, yeah, right. Thank you.

President Musgrave: But, you have a copy of the draft ordinance, so, you can take that home and also look through it. If you have any questions after you look through it, be sure and give Mr. Ziemer a call.

Wilburn Muensterman: Thank you very much.

President Musgrave: You're welcome. Is there anyone else wishing to make a comment about the ordinance? If not, I would like to call for a vote on the first reading. A motion please?

Commissioner Nix: Move approval of the first reading.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes. This will reappear on our agenda next week for second, and, hopefully, final reading. If you have questions about the ordinance, it will be posted on our website. We had a draft up this past week. That draft has been modified slightly, and there will be the draft that will be up for vote next week. Ms. Nichoalds, about what time do you think you can have that?

Marissa Nichoalds: I can have it done by the end of the day today.

President Musgrave: By the end of the day. So, anyone who's interested, please don't hesitate to log on and take a look at that, and let us have your comments.

<b>Permission to Award VC-50-2007: County Highway Storage Building Bid</b>
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President Musgrave: We move now to permission to award VC-50-2007, County Highway storage building bid. Mr. Duckworth?

Mike Duckworth: Good afternoon, Mike Duckworth, Bosse class of '74. Had to get the public schools their due today. I'm here today to ask you to accept the low bid



in this matter, and award it to ECI Construction in the amount of \$251,700. We do have the funds in place, and I've provided that information to you as to where they would come from. They include CCD, Cum Bridge and an Infrastructure account of the County Commissioners, totaling \$260,000, which leaves us a little bit of contingency in case of a problem. We would ask for your approval on this matter at this time.

Commissioner Tornatta: And, Mr. Duckworth, that's prevailing wage and we went through all of the channels to make that, and you told me that, and I appreciate you going that extra step.

Mike Duckworth: Yes, this was originally going to be a project that wasn't so encompassing, but we had some meetings with different folks, and the matter came to us that it was going to be in excess of \$150,000. So, according to the law, we opened it up and I think common wage, prevailing wage will be paid in this. We did have the meeting with the union representatives, we've gone through site review, and we have the drug testing policy and the minority business policy in line. So, I think we've done everything, and our state permits, we've got all that completed, so, we should be in good shape to award the contract.

Commissioner Tornatta: Thank you. Move approval on ECI contract.

Commissioner Nix: Second.

President Musgrave: In addition to everything else you've done, you listened to me ask you yesterday to make sure that the building was energy efficient, and you're going to take another pass over that. So, with all of that said—

Mike Duckworth: I will tell you in meeting with Steve Hahn, our engineer and land surveyor, that, and with Mr. Elpers with ECI, that we will, again, revisit that and insure that we can do everything there is to make sure that it's a user friendly, efficient facility. Now remember, this is just a storage facility.

President Musgrave: Right.

Mike Duckworth: So, there's not going to be a lot of heat and light and those kind of things, but, basically, the use for this is to keep our high dollar equipment out of the weather to preserve it and to add life to it.

President Musgrave: Okay, any further discussion? All those in favor?

All Commissioners: Aye.

<b>County Highway</b>
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Mike Duckworth: I do have a couple of other things, if I can cover them? One of the things is that Commissioner Tornatta and myself met with County Council President Marsha Abell and Finance Chairman James Raben recently in regards to our paving budget, and after some discussion of our needs and the fact that we have an account in our Highway Department that is an unappropriated account, they have basically given me permission to seek an additional \$275,000, and we will be in the process of doing that. In the event that that is approved, that will mean that every road, except a couple of our roads that have been brought to us in the road

hearings, will be completed this year. Mr. Raben had also indicated to me that later in the year, if we get down to where there is some more needs for those other two roadways, and we've built a little bit of a pad here because of escalating clauses and costs on oil and those kinds of things, that there is the possibility that there may be some additional funds available at a later time. If not, then we can put those remaining roads on the first of the list for next year. So, this is approximately, represents about 30 miles of road, as opposed to 22 that we had originally brought you, and I'm confident that we can work through that and better utilize our new paver.

President Musgrave: I would also like to thank Councilwoman Abell and Councilman Raben, they met with you and I and John Stoll the week before and followed that up and also Auditor Fluty provided some figures that helped at that meeting to arrive at the point where it looks like \$275,000 might be available to complete more paving this year, with perhaps the option of coming back even for more later on in the year, depending on how things look in the budget later in the summer. I say congratulations to everybody who worked hard to bring this to the floor. We'll look forward to no rain so that you can complete all the paving.

Mike Duckworth: Just one last item, if I may? We had an emergency request for travel for two of our mechanics to take a piece of equipment to Jasper. I would ask that you would consider that. They need to do that later this week to have an engine on warranty repaired.

President Musgrave: Do we have that travel request already?

Mike Duckworth: Yes.

President Musgrave: Okay, we can just amend the consent agenda. Anything further, Mr. Duckworth?

Mike Duckworth: No, thank you very much.

Commissioner Nix: Just one thing real quick, Mr. Duckworth?

Mike Duckworth: Yes.

Commissioner Nix: Or, two things, or actually, two things. One, how soon will the building start?

Mike Duckworth: I guess, almost immediately after this contract or this approval of awarding the bid is signed.

Commissioner Nix: And, how soon will you start paving? Just for the public's information.

Mike Duckworth: We're going to do some training on our new paver within the next week or so. We're waiting on the asphalt bids to come through. We anticipate the first part of May.

Commissioner Nix: Thank you.

Mike Duckworth: Thank you.

**Courts HP Lease Agreement: Acceptance Certificate  
BLA Supplemental Agreement No. 1: Cross Pointe Blvd. Extension  
Auditor: KRONOS Software Maintenance Agreement  
Burdette Park: USI Use Agreement for Campus Facilities  
City-County DIA Upgrade Contract  
EMA Homeland Security Sub-Grant Agreement**

President Musgrave: We move now to contracts, agreements and leases. First–

Ted C. Ziemer, Jr.: Excuse me, do you want to do the bids?

President Musgrave: That comes a little bit later.

Ted C. Ziemer, Jr.: Okay.

President Musgrave: We have several contracts, agreements and leases. The Courts HP lease agreement acceptance certificate. It looks like we can do several of these as a group; the BLA, did you want to leave any out? Okay, the BLA supplemental agreement number one for Cross Pointe Boulevard extension, the KRONOS maintenance agreement, the Burdette Park-University of Southern Indiana use agreement for campus facilities, where it says Evansville Water DIA upgrade contract, it might be better described as the City-County DIA upgrade contract, the EMA Homeland Security sub-grant agreement. If there are any questions we can take those, otherwise, a motion to approve all of those might be in order.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**County Engineer**

President Musgrave: We move now to department head reports. Mr. Stoll, do you want to go first? Burdette, do you have anything today for Burdette? Or are you just here to observe? Just here to observe. Are there any other department heads who need to make a report? Alright.

John Stoll: The only item that I have is a right-of-way agreement for, between the county and INDOT for the University Parkway project. This is the contract that will allow us to use the federal funds to purchase the right-of-way on that project. This is all remaining phases of the project between Upper Mount Vernon and Diamond. Back in early February you had signed this contract previously, it was submitted to INDOT, and in turn it was sent to the Attorney General's office, they in turn wanted to make some revisions, and they finally got the revisions made, returned that to me, the County Attorney has since reviewed the amended contract, said it's okay for your signatures. So, I would request that you sign off on the contract, and then we'll

return it to INDOT, and, hopefully, we'll be buying right-of-way on that project here soon.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: In regard to that contract too, basically, the county will have to pay the money up front, and then seek reimbursement from INDOT. So, I just wanted to clarify that part of it. That's the only item I had this afternoon.

President Musgrave: Thank you.

John Stoll: Thanks.

<p style="text-align: center;"><b>Reading of Quotes: Burdette Park Day Camp T-Shirts &amp; Moving of Election Equipment</b></p>
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President Musgrave: Any other department head reports. Let's go ahead and do the bid report.

Ted C. Ziemer, Jr.: Okay, go Tigers! For the voting machines we have a bid from Kinder, \$8,800. Southern Moving Company, \$9,650. Belmont Moving, \$5,376, and PD&S Moving, \$9,680. For t-shirts for Burdette Park, Chips, \$5,154.40; Southway and Graphics<sup>1</sup>, \$5,152.85; Phoenix, \$5,020; Cintas Corporation, \$6,950.15; Pro Mark, \$6,760.28; Siegel's, \$6,171.98.

Commissioner Nix: Move to take the bids under advisement.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<p style="text-align: center;"><b>New Business</b></p>
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President Musgrave: Is there any new business?

Commissioner Tornatta: I have one thing, this was on my desk this afternoon. I've spoken to the Building Authority's office. This is pay requisition number 85 for the

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<sup>1</sup>Correct name is Southwest Graphix.

jail out there, it's for \$124,764.70. The majority of this is either retention or contract amount. There's a small amount that we were going to take out of retainer, or, excuse me, out of the contingency fund. I spoke to the Building Authority office right before the meeting and we have about \$25,000 left in the contingency fund. So, I would like to make a motion that we approve this.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yeah, I do have one other item. We have been negotiating with the State of Indiana, through the Department of Local Government Finance, to settle a claim on behalf of the Treasurer of Vanderburgh County who developed a pilot program under state statute. Originally, it was proposed that \$50,000 would be reimbursed to the various county Treasurers who engaged in such pilot programs. I believe it turned out that Vanderburgh County was the only Treasurer who developed such a program, at a fairly substantial expense. The Treasurer was initially reimbursed \$10,000 of those total expenses. Since the statute indicated that it would be up to \$50,000 among the various parties developing pilot programs, and since no one else developed one, we advised the Department of Local Government Finance that we would intend to file suit against them if we couldn't settle this. They've offered to pay an additional \$30,000 to Vanderburgh County on behalf of the Treasurer, making a total payment of \$40,000 for this pilot program. That settlement figure was previously approved by the Commissioners. I have a settlement agreement here, which needs your signatures, should you desire to approve it.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Fluty, I was the Assessor at that time, and worked closely with Treasurer Tuley to develop this form. I remember that some of the costs were incurred by the Assessor and some were incurred by the Treasurer, and my question to you, which you don't have to answer now, is that when we get this check, how do we quietus that? I need to know where that goes.

Bill Fluty: It will go into General Fund.

President Musgrave: The General Fund?

Bill Fluty: Uh-huh.

President Musgrave: Alright, we will make that happen then. Will you give that back to Madelyn for the signature file. Any other new business?

**Old Business**

President Musgrave: Any old business?

**Public Comment**

President Musgrave: Any public comment?

**Consent Items**

President Musgrave: We have the list of consent items that need to be amended in order to include the travel by the Highway Department, is there a motion?

Madelyn Grayson: There's one other addition also, the summary minutes from today's executive session.

President Musgrave: And the summary minutes from today's executive session.

Commissioner Tornatta: All those considered, I put that in the form of a motion.

Commissioner Nix: I will second that with, I will abstain from the letter supporting Highway 41 development.

President Musgrave: Do we need to take two votes on that?

Commissioner Tornatta: Yeah.

Ted C. Ziemer, Jr.: In fact, you do, yes.

President Musgrave: Alright. Will you withdraw your motion?

Commissioner Tornatta: I withdraw my motion, and just approve the consent items and the prior minutes from the executive session, excluding the letter supporting Highway 41 development.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Tornatta: I will now support a letter for the Highway 41 development.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. Those abstaining?

Commissioner Nix: And, I abstain.

President Musgrave: Thank you. That passes two yes, one abstention. Is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 3:50 p.m.)

### **CONSENT ITEMS:**

#### **Commissioners:**

April 10, 2007 Commission Meeting Minutes.

April 17, 2007 Executive Session Summary Minutes.

Bernardin Lochumeller: University Parkway Phases I and II Update.

Hillcrest-Washington Youth Home: Check for First Quarter Fee.

EMA: Waiver of Center Fees/Not OT.

Surplus Letters: Superior Court ; Scott Township Assessor & Trustee (transfer);  
Public Defender

Letter from State DOC: Grant Award.

County Council Request for Employee Passes to Burdette.

Burdette-USI Bike Path Support Letter: Koch Enterprises.

Industrial Contractors Letter: Highway 41 Development.

Pay Request No. 85: Jail Project: \$124,767.70.

Department Head Meeting Notes: April 10, 2007.

#### **Employment Changes:**

Public Defender (1)	Prosecutor (1)	Burdette Park (7)
County Assessor (1)		

**County Engineer:** Pay Request No. 22: Burkhardt-Green River TIF Projects.

**Purchasing:** Monthly Report: February 2007.

#### **Travel Requests:**

County Highway (1)	County Assessor (1)	Health Department (1)
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#### **Department Head Reports:**

Burdette Park	County Engineer	County Highway
Supt. Of Bldgs.	Veterans Service	

#### **Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Wilburn Muensterman	Mike Duckworth
John Stoll	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
APRIL 24, 2007**

The Vanderburgh County Board of Commissioners met in session this 24<sup>th</sup> day of April, 2007 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 April 24, 2007 meeting of the Board of Commissioners of Vanderburgh County. It is 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.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

**Permission to Open Bids:  
VC-52-2007: Commercial/Industrial Trending  
Burdette Park Beverage Services**

President Musgrave: Is there a motion to open the bids for commercial/industrial trending and Burdette Park beverage services?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Arthritis Month Proclamation**

President Musgrave: We move now to action items. We are pleased to welcome back Ms. B.J. Farrell—

Ted C. Ziemer, Jr.: Excuse me, Madam President, what about the soft drink bids? Do you not want to open those?

President Musgrave: We put them all in one motion.

Ted C. Ziemer, Jr.: Oh, I didn't hear you say that.

President Musgrave: Okay. Ms. Farrell is here to read a proclamation for arthritis month.

B.J. Farrell: Hi, I'm B.J. Farrell. I am the Director for the Southern Indiana branch of the Arthritis Foundation. I would like to introduce some of our members who are with us here today; Mike Rupert, our board president; Mr. Gregg Utley, our board vice-president; Ms. Lee Ann Cooper, our treasurer; one of our board members, Jenny Puckett; and another board member, Brian Taylor.

President Musgrave: Welcome

B.J. Farrell: Jenny and Lee Ann are actually the chairs for the walk that's being held this year on May 19<sup>th</sup>, which is a Saturday, at North High School. First of all, we would like to thank the Commissioners for the time that you're giving us today to consider the proclamation to support Arthritis Awareness Day and Arthritis Awareness Month, which is May nationwide. In the southern Indiana branch we have 18 counties that we service with over 650,000 residents, one in three have some form of doctor diagnosed arthritis. Unfortunately, people consider this an old person's disease, however, in our community alone we have children as young as 15 months that have arthritis. We provide water programs, land based programs, literature and support groups to those who suffer from this disease, or know someone who suffers. I would like to now ask Brian Taylor, who is this year's honoree to come to the microphone and speak with you briefly. Thank you.

Brian Taylor: Thank you very much, B.J. My name is Brian Taylor, I'm with the Arthritis Foundation, I'm a board member. I help with the support groups there. I know a young man, he, at the age of 12 was healthy, running track, playing football, and one day his knees and ankles started swelling pretty badly, walking was difficult. He went to a local doctor to find out what was wrong, they didn't offer a solution, so, he called somebody from Riley Hospital. Soon he was diagnosed with rheumatoid arthritis at the age of 12. He went through many medications that he had taken, went through various surgeries for nodules on his lungs and sinus passages that he didn't even know that went along with arthritis, didn't even know that you could get arthritis at age 12. He went through a depression, in high school he had limited motion, and then by the time he got in college, he actually had to have both knees and hips replaced. He then went on, after having the replacements, to get married, have four children and lead a normal life. I know, because that person is me. That's why I personally got involved with the Arthritis Foundation was because I really believe in it, and I know that the help that they provided, and any help that I could provide others would be invaluable, because it was invaluable to me. I appreciate that. Thanks.

President Musgrave: Do you have a proclamation, Ms. Farrell?

B.J. Farrell: I do have a proclamation. I would be very honored if one of the Commissioners would read it today. But, if not, I will do so. Do you have a copy of it, or do I need to give you a copy?

President Musgrave: Would you bring yours forward please?

B.J. Farrell: Yes.

President Musgrave: We have one in the official record, but not one at each place.

Commissioner Nix: This is a National Arthritis Month proclamation:

“Whereas, one in five adults, and over 300,000 children in America live with pain and limitations that arthritis brings; and, Whereas, in Vanderburgh County alone there are an estimated 35,000 people who have arthritis; and, Whereas, the Arthritis Foundation is the only nationwide non-profit health organization helping people take greater control of arthritis by leading efforts to prevent, control, and cure arthritis and related disease, the nation’s number one cause of disabilities; and, Whereas, the month of May brings focused efforts by the Arthritis Foundation to increase awareness of this disease, and offer greater information about the proven treatments, programs, and services available to help people with arthritis take control of this disease. Now, therefore, we the Board of Commissioners of Vanderburgh County, Indiana, do hereby proclaim May 2007 as National Arthritis Month, and May 19<sup>th</sup> as Arthritis Awareness Day in Vanderburgh County, and urge that all citizens join in the support of the Arthritis Foundation to learn more about the services available to take control of this disease, and take an active role in improving their joint health in order to lead a more active, fulfilling life.”

B.J. Farrell: Thank you, and thank you once again. I did put some information at your desk. It is one of the newsletters. We send these out quarterly with different information about the programs, the fundraisers we’re having to support our mission, which is to improve lives through leadership in the prevention, control and cure of arthritis. I also gave you a brochure on the upcoming walk, and if any of you just want to get some great exercise on Saturday the 19<sup>th</sup>, we would love to see you at North High School. Thank you again.

Commissioner Nix: Thank you.

President Musgrave: Commissioner Nix, was that in the form of a motion?

Commissioner Nix: That is in the form of a motion.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you and good luck promoting arthritis awareness.

**Survive Alive Program Presentation**

President Musgrave: We move now to the Survive Alive program presentation. Is Mary Williams here? Welcome, Mary. Tell us a little bit about the program, and when it will be held.

Mary Williams: Thank you. Welcome to all of you. I want to give you some information. This is a celebration that we are having. The board of directors of the Southwestern Indiana Survive Alive, Incorporated would like to invite all of you to an open house for our recently renovated fire safety project, the Survive Alive House. The open house is on Thursday, April 26<sup>th</sup> at 9:30 at the Vanderburgh 4-H Center, just inside gate one. That's where the Survive Alive House is located. You might want to know, "Well, what does that mean, Survive Alive?" Survive Alive program is a hands on learning experience of fire safety that was created as a joint effort by the Evansville Area Council of PTA's and local suburban fire departments. The goal of this project is to reduce the number of fires and the number of fire related deaths and injuries that occur every year. At the Survive Alive House children and youth learn fire safety from area fire fighters by experiencing a simulated fire and proper exiting of their house. The Survive Alive House, as you can see in the pictures that Sam has given to you to look through, opened in 1992 through the efforts of PTA, suburban fire departments, the Southwestern Indiana Building Trades Council and community businesses. Since 1992, over 15,000 area children have been trained in fire safety at the Survive Alive House. We think that's a significant accomplishment towards helping Evansville's youth grow to be more safety conscious citizens. So, we're celebrating. Students from schools and clubs throughout Evansville and the surrounding counties visit the Survive Alive House through field trips. We often receive thank you notes from parents and teachers expressing their belief that the experience at the Survive Alive House provided their children with skills that will stay with them for the rest of their lives. We are proud of our accomplishments, yet we have ambitious plans before us. We are working toward reaching additional community populations and expanding our training for other emergencies, such as natural disasters. We would very much like to show you our facility, and hope to see you at our open house, where you will see first hand the great work our area fire fighters are doing in educating our youth. Mr. Sam Still is with me today, he's representing the Boonville Volunteer Fire Department, we recognize no boundaries. The other good news is that the training at the Survive Alive House is free. So, I hope that you can find some time to be with us Thursday morning, because we think safety of our youth is a great investment in our community. Thank you very much.

Commissioner Nix: What time is that again Thursday?

Mary Williams: It's at 9:30.

Commissioner Nix: 9:30? Okay.

President Musgrave: At the 4-H Center?

Mary Williams: At the 4-H Center. Enter through gate one. If you come off of 41, it's actually the second gate. We're just over the hill.

President Musgrave: Thank you very much for your presentation—

Mary Williams: Okay.

President Musgrave: –and thank you for the work you’re doing to keep our young people safe.

Mary Williams: Thank you. Can we have our book back?

President Musgrave: Yes, you can have your book back.

Sam Still: Did you all get a chance to see it?

Commissioner Tornatta: Yes, yes, sure did. Thank you.

Commissioner Nix: Thank you,

<p style="text-align: center;"><b>Permission to Award Bids: VC-07-2007: Burdette Park Day Camp T-Shirt Bids Moving of Election Equipment</b></p>
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President Musgrave: Next on the agenda is the permission to award VC-07-2007, Burdette Park Day Camp t-shirt bid. Is Burdette Park here? Or, I’m sorry, Purchasing, and we also have the moving of election equipment.

Debbie Spalding: I’m Debbie Spalding with the Purchasing Department. Last week we opened bids for t-shirts to be done for the Burdette Park day camp program at Burdette Park. There were six bidders, you will recall, and the low bid for all items was Phoenix of Evansville. So, we would like to recommend that the award go to the low bidder of Phoenix of Evansville.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: Then, moving along to the moving of election equipment. There were four bids that were received at the last meeting, those being from Belmont, Kinder, PD&S agent of Shetler Moving. The low bid that was reported in the last meeting was from Belmont at the price of \$5,376. Considering that the price was so much lower than the other bids, we did contact the low bidder and asked for some clarification to make sure that they were including both the May and November election. Belmont reported that they read the bid documents wrong, and they did not include the November election with their amount. So, we are asking that the low bid be stricken, because it was not responsive to the bid. The next low bidder is Kinder in the amount of \$8,800. So, that’s who we would recommend we award to.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The bid is awarded to Kinder.

Debbie Spalding: Thank you.

President Musgrave: Anything further? Thank you.

Commissioner Nix: Thanks.

**Permission to Advertise: May 2007 Primary Election Polling Places**

President Musgrave: Is there a motion for permission to advertise the May 2007 primary election polling places? Is there anyone here to speak to that? Mr. Utley? No? This has to be advertised in the Evansville Courier and Press, and we are also asking for permission to advertise in Our Times newspaper.

Commissioner Tornatta: I would make that in the form of a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I would like to note that I have a form here that tells me that there are certain polling locations that have been moved. The old location was Washington Square Mall, the new location is McCullough Library. McCullough was the original polling location, it was closed during the last election due to construction, that construction is now complete. That's ward one, precinct five. In ward two, precinct 16, the old location was Holy Spirit Church, the new location is Lodge School. Holy Spirit explains that they no longer wish to be a polling location. So, we were forced to move that one. In ward three, precinct 11, the old location was Terrace Park Baptist Church, the new location is Northeast Park Baptist Church. Again, Terrace Park no longer wished to be a polling location. In ward four, precinct four and ward four, precinct six, the old location was Stanley Hall, the new location will be Carver Ridley Rollerdom. That is because Stanley Hall is no longer open. In ward five, precinct two, the old location was Fire House Number Two, the new location will be the Southern Indiana Career and Technical Center. That is because the Technical Center has more room for the polling location, and it is handicapped accessible. So, those comprise the changes for the May primary. This complete list will be advertised April 27<sup>th</sup> in the Courier and Press, and May 4<sup>th</sup> in Our Times. It will also be on the website, as we had it before at vanderburghgov.org, complete with maps. Ms. Nichoalds, I want to make sure that they update the maps with the new locations, okay? So, you can print out a map, and aerial photo of it.

**County Engineer**

President Musgrave: We move now to department head reports. I understand the County Engineer, Mr. John Stoll, has a report. There you are.

John Stoll: The first item that I have is a request to approve the notice to bidders for our concrete repair contract, and also approve the advertising of that. This would be contract VC07-05-02, and it will cover work in Old State Subdivision, The Villas Subdivision, Deerfield Subdivision, Eastland Estates Subdivision, and Brookview Subdivision.

Commissioner Nix: And that follows the sequence we talked about in last week's meeting?

John Stoll: Correct.

Commissioner Nix: I move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like your approval to go to the County Council to transfer \$1,200 from the Koressel Road bridge account to the Schmuck Road culvert account. The Koressel bridge account, that project is finished and we no longer need any funds in that, and the \$1,200 is needed in the Schmuck Road account to cover some change order costs.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, next, I have an application for the county to apply to DMJM Harris Consulting. They are the consultants for Norfolk Southern Railroad, and we have to apply to Norfolk Southern for the review and approval of the plans for Cross Pointe Boulevard, because the storm sewer for Cross Pointe will discharge into railroad right-of-way. It won't go underneath the tracks or anything, but it will touch and dump into railroad right-of-way, so, they do have to review our plans. So, I would request your approval on that application.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Just to verify that, we talked about this earlier, this is a pass through, is that correct? There will be no mark up on this from Bernardin Lochmueller on that?

John Stoll: That's what I was going to bring up next. There's also a fee of \$1,830 associated with this application. As it stands right now DMJM Harris is not a vendor established with Vanderburgh County, so, it's actually easier for us to go ahead and have Bernardin Lochmueller and Associates pay that, and then we reimburse Bernardin Lochmueller. Their current design contract doesn't have any provisions for reimbursable expenses, so, I was just going to ask for your approval to have Bernardin issue the check with the application, and then we would submit the paperwork to get a reimbursement for Bernardin Lochmueller. Like Commissioner Nix said, there's no mark up. This would just be, they would front the money until we would get them a check here in the next couple of weeks.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a supplemental agreement for the University Parkway project. This is for the amount of \$228,800, and this covers the balance of the design of the project between Marx Road and Diamond Avenue.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, next, I have two corrections on our street inventory. The first is on Brook Meadow Circle, back when that street was accepted in Brookview Subdivision, Brook Meadow Drive was accepted as .29 miles. That should have been .13 miles of Brook Meadow Circle, and .16 miles of Brook Meadow Drive. So, I'm requesting your approval to make this correction. Basically, this just establishes a paper trail in the files that shows the correct mileages and the correct streets have been included in the county inventory.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.



President Musgrave: The motion carries.

John Stoll: The other correction is for Greenfield Road in Eastland Estates Subdivision. All the other streets in that sub, in that section of that subdivision were accepted back in 1988. We could not find any record of acceptance of Greenfield, even though it's been assumed to be accepted all this time. So, I'm requesting that you officially accept 963 linear feet of Greenfield in Eastland Estates between Greencove and Kolb Drive.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: What's that, 19 years old?

John Stoll: Yeah.

President Musgrave: My list shows that you were going to talk to us about the INDOT Diamond Avenue detour route.

John Stoll: I haven't had a chance to get that reviewed by the County Attorney as of yet, but, hopefully we can do that for next week.

President Musgrave: Next week? Alright.

John Stoll: That's all I have.

President Musgrave: Alright, thank you.

John Stoll: Thanks.

President Musgrave: Are there any other department heads with any reports here today? Ms. Nichoalds, Mr. Ziemer?

<b>Reading of Bids for Burdette Beverages &amp; Trending Services</b>
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President Musgrave: Was Burdette in a position to consider and award bids?

Ted C. Ziemer, Jr.: No, they won't be, for this reason, shall I go ahead with the bids?

President Musgrave: Please.

Ted C. Ziemer, Jr.: For soft drinks at Burdette Park we have two bids, one from RC, and the bid is \$21,852.72 per year. Pepsico did not submit an extended bid which we could compare to the RC bid. They have an itemized bid per unit. So, we're unable today to even compare the bids, or I can't even read a bid into the record, but

they enumerate many different Pepsi products and sizes and so forth at all different prices. That's the best we can do.

President Musgrave: Did you also have another?

Ted C. Ziemer, Jr.: I do. For trending services, A & S has a bid of \$118,000, and Appraisal Research has a bid of \$93,270.

Commissioner Tornatta: I motion to take both bids under advisement.

Commissioner Nix: Second.

President Musgrave: And that motion includes both the Burdette Park beverages and the trending?

Commissioner Tornatta: Correct.

President Musgrave: Alright. All those in favor?

All Commissioners: Aye.

President Musgrave: The motions carry.

**Second/Final Reading of Ordinance CO.04-07-005:  
An Ordinance to Establish Provisions for Animal Control**

President Musgrave: We move now to the second and final reading of the animal control ordinance. I have a sign up sheet here, I only have one person signed in to speak for, and one person signed in to speak against. Is there anyone who has not had the opportunity to sign this sheet who would like to sign now? In which case, I will call the person on top here, Lorrie Fleming. Please come up, I understand that you are going to speak in favor. Speakers we ask that you limit your comments to five minutes. Marissa will watch the clock and she'll raise her hand when it's time. So, go ahead and introduce yourself and put your address in for the record.

Lorrie Fleming: Good afternoon, Commissioners. My name is Lorrie Fleming. My address is 331 Lexington Road here in Evansville. I come before you this afternoon, I was just, actually I've read over the ordinance and I believe you are going in the right direction to protecting not only the residents of Vanderburgh County, but also our animals of Vanderburgh County. The question I have, or would like some verifications for, and I'm not sure if you will do that this evening or in a written or phone call to myself, which either is acceptable to me, pertains to the section on animal nuisance. Particularly point five, mostly, basically pertaining to barking and that and such. Myself, I live in the city of Evansville and my dogs are inside. I believe that dogs should be inside, that's just a personal preference. So, if I'm not home they are not allowed to run free in my backyard, leaving open the opportunity for them to bark and annoy the neighbors. Much like most of you, and everyone else in the county, my job does take me out of town frequently, or late into the evenings. So, a wonderful facility that I have found in Vanderburgh County to help me when I'm out late and can't give them the proper exercise and keep them from becoming bored in the house and chewing up everything is located, it's located in an industrial zoned area. I just didn't see anything that references, I see, you know, you speak about residential area. It doesn't omit or exclude this facility, although they are, like

I said, in an industrial park, they are zoned industrial. They do not board any of their dogs outside. They are open from 7:00 in the morning until approximately 6:00 at night. They bring the dogs in, they have multiple play areas for the different sizes of dogs. Dogs get together, socialize, they will bark, they will play, much like children playing outside when the weather is nice. So, I guess, I was just looking for some clarification whether the fact that since they are in an industrial zoned location whether they would be exempt? Or, being the fact that they are an existing business would they be grandfathered in underneath this clause. Like I said, they close at 6:00, that's pick up time, if it's a daycare, or picking up from boarding, then they do come back at, you know, 9:00 or 10:00 at night, only to let the animals out, you know, to do their business before they put them in to bed. So, none of the animals are boarded outside, they do not have any dog runs where they are allowed to run at night. That was really the only point that I was looking for, you know, a little clarification for.

Ted C. Ziemer, Jr.: If I could ask you a question, are they outside during the day?

Lorrie Fleming: Yes.

Ted C. Ziemer, Jr.: Now, is this industrial, or I don't know where this area is, are they near a residential area at all?

Lorrie Fleming: They are located over off of Old Boonville Highway, it's actually the street is MJM Industrial.

Ted C. Ziemer, Jr.: Yeah.

Lorrie Fleming: Most everybody directly around them is—

Ted C. Ziemer, Jr.: I'm not sure any change is really needed, based on what you're saying. What item five says, I don't have it in front of me, but I've practically memorized it this week, it refers to loud noises over a continuous period of time near a residential area.

Lorrie Fleming: Right.

Ted C. Ziemer, Jr.: So, if these dogs can sit out there and bark all day, if no one can hear them.

Lorrie Fleming: Well, over in that area, I mean, and you will find, I mean, I'm lucky I don't have any neighbors, but, I mean, maybe a quarter of a mile, I mean, they are set off, Gerhardt Tile, like I said, I'm not sure if you guys know the location I'm talking about, up Burkhardt and then on to Old Boonville Highway. So, you do have some residential homes, I would say probably a quarter of a mile away.

Ted C. Ziemer, Jr.: Presently this ordinance does not preclude the kind of activity that you are talking about. However, if those animals are making loud, continuous noise over a period of time that can be offensive to people in a residential area, then they would be subject to the ordinance as it's now written.

Lorrie Fleming: Okay, is there something that we could look into getting a petition to exempt being—

Ted C. Ziemer, Jr.: I think the issue would be do the people in the residences who are going to be listening to the barking object?

Lorrie Fleming: They have one, of everyone around them there is one individual. I'm sure everyone has lived next to one person for whatever reason, and that was my other thing, how do you clarify whether it's a true annoyance, or does your neighbor not like the car I have parked outside and that's a second way? I realize that we don't want to go through and write things so specific, you know, that's not easily done either. But, like I said, they've been in business for over a year, and that was just a concern I had. You know, they have a wonderful facility, they don't leave the dogs out, they have, I mean, they are outside with the dogs, but when you get dogs together, like I said, much like children—

Ted C. Ziemer, Jr.: Yeah, if I could ask a question. Sheriff Williams, have we ever had a complaint from this that you're aware of?

Eric Williams: Off hand, not to my knowledge.

Lorrie Fleming: I don't think they have complained to the police department. I think they have expressed their concerns to the actual business itself. Calling as far as saying, "Can't you muzzle those dogs?".

President Musgrave: But, you have the two questions then?

Lorrie Fleming: Yeah, I was just basically looking for clarification, and if this is not, you know, if this residential area, if it's going to leave that open, if it would be possible that we could, you know, leave that.

President Musgrave: Alright.

Lorrie Fleming: I mean, you're talking about an industrial area. I mean, they have trucks, I mean, industrial areas are known for being noisy, hence the zoning of industrial.

President Musgrave: I would like to go ahead and take your questions, just down for the record—

Lorrie Fleming: Okay.

President Musgrave: —and we'll visit them during some discussion time afterward. Alright?

Lorrie Fleming: Thank you very much. I appreciate your time.

Commissioner Nix: Thank you.

President Musgrave: The person who has signed up to speak in opposition is Judith, I hope that I'm saying this right, McKnight? Okay, please come forward and state your name and address for the record.

Judith McKnight: I hate talking in front of people, so, I'm going to be a little nervous. Judith McKnight, 1001 Laubscher Road, Evansville, Indiana. I am in opposition of parts of the ordinance. I listened to the minutes of the last meeting. I did not know about this ordinance, it just happens my mom read the paper and said, "Do you

know they are getting ready to pass an ordinance that may affect you?”, and I go, “No, what’s going on?”, and she gave me the newspaper article and it showed that, yes, this could affect me. I own AKC registered beagles. I raise my beagles for protection, pets and hunting. I know a lot of people think hunting is bad, so, if anybody is upset about hunters, okay, I’m sorry. Dogs bark, like the last lady said. When they get together and play, they bark. My dogs bark during the daytime, my dogs bark, if they happen to be out at night and I’m at work. I work a different shift than other normal people do. This is a 24 hour world these days, so, my dogs sometimes have to be outside when I’m at work at night. There’s not really anything I can do. I don’t feel like it’s fair to put my dogs in the house at night time and keep them locked up. I would have my dogs locked up 24 hours a day with no sunshine, no playing, no nothing if I did what needs to be done. My dogs sometimes bark and wake me up, you know. I have neighbors who have dogs, their dog starts barking, my dog starts barking. The next neighbors dog starts barking on down the line, everybody barks. This is a county ordinance you guys are putting into effect. Most of us move to the county for a reason. I grew up on a farm, I’m an outside person, I love my dogs. People say, “Well, how can you hunt?”. Well, part of the reason is that I like to listen to my dogs bark. I love to see my dogs go out and do what they are meant to do, which is to chase rabbits and bark. They bark as soon as I let them loose. So, if I let them loose, I’m in violation of the ordinance, because I’m letting them loose to run after a rabbit. If I let them bark I’m in violation of an ordinance. I will go broke within three weeks, because I have a neighbor who complained, who actually more or less threatened to kill my dog if I didn’t do something. You know, that upsets me, he’s a renter, he doesn’t even own the home. I’ve lived there for ten years. I pay my taxes. I have neighbors who are upset about this. They pay their taxes. We vote. I probably voted most of you people in, you know. I think that, you know, it’s a good thing to have this, but I think you need to look at what you’re doing, and you aren’t even considering people that have farm animals. The county is a big place. Say farmer John sells his property, a developer buys it, he puts in a subdivision, across the street you’ve got farmer Don who’s over here and he’s got cows and pigs and chickens and horses and what have you. His smell escapes his property. Well, this subdivision is very upset because the smell escapes the property, and they go and they complain. How long is it going to take that farmer to go out of business at \$50, \$100, \$500, you know? How am I going to tell my dogs to shut up, but yet when I take them out in the woods and want them to hunt, I want them to bark? You know, it’s a training issue with some of these things. If a duck hunter shoots down a duck, he sends his retriever to retrieve it, he’s violating a law. So, that’s all I’m saying. I agree, I don’t want animals mistreated. I want my dog to run in the air and play and have a good time, and it talks about that. I want my dog fed. I take all my animals to the veterinarians office, and they all have their shots. We have people that have invisible fences that allow their dogs to run free. How will you know if that dog is in an invisible fence or, you know, they’re just laying out in their front yard because they are very well behaved. I have dogs that go into heat, I keep them penned up, but that doesn’t stop the fact that I have dogs that come around my fence and bark and are a nuisance because their owners let them run free, and they smell my dog and they come to my home. They stand out there and all my dogs bark. I had the Sheriff’s come to my house approximately two weeks ago, and he says, I understand, you know, dogs, they started barking as soon as I looked over the fence. Yeah, they’re protecting my property. If you drive into my driveway, my dogs are going to bark at you. If a siren goes off, dogs are going to bark, it hurts their ears. They are going to bark. So, what you guys are doing to me is taking my freedom of having animals and saying I can’t have them. The last gentleman wants a limit put on how many animals you have. There’s nothing in here about a limit. I sent in my money to become a kennel, so that I would know that I

was paying my taxes for my dogs, because I choose to not neuter them. So, I was willing to pay my taxes and do everything I'm supposed to do, but they sent my check back and said we're not doing this any longer. Then there's a section in here that says where the money goes. Well, to me, if we're doing this for animals, maybe the money should go to the Humane Society and Animal Control. You know, why is it going to the general county. I see you shaking your head, but, the ordinance is supposed to help residents and animals. So, you know, I am an animal lover, but, you know, what they're doing, what if you ride a horse down the road and he decides to stop and relieve himself? Are you going to get a ticket? Who's going to enforce it? I mean, if a stray dog comes by and my dog barks, they call the Sheriff, the Sheriff comes and the dog is still there.

President Musgrave: Alright, you might be looking at the earliest version of this ordinance that we posted, the fine part, the distribution of the fines is no longer in this, but I think that that's one of the only changes.

Judith McKnight: We looked this up last Thursday, and it's \$50, \$100 and \$500.

President Musgrave: The distribution of the fines, the increment of the fines, you're correct, that still stands. Thank you very much for your comments. My grandfather raised beagles, and they bark. Yes, they do. He hunted with them too. I can understand exactly what you're saying. Is there anyone else here who wishes to speak? Mr. Jeffers, are you speaking for, or are you speaking against?

Bill Jeffers: Just a point of information for the Commissioners. With regard to the dog kennel that's located in MJM Industrial Subdivision on Boonville Highway, the dog yard, the fenced in yard is behind the facility, adjacent to the detention basin for that subdivision. The detention basin is adjacent to Crawford Brandeis Ditch, and then directly on the other side of the ditch is a residential dwelling, approximately 100 feet from the ditch. So, I would say maybe 200-300 feet separate the dog kennel, outdoor dog kennel from the physical structure of the dwelling. As you know, the water in the detention basin tends to amplify the noise. So, just for your information that's the proximity of that the lady was speaking of earlier.

President Musgrave: Alright, I would also like to let the record reflect, and these documents will be put through in the consent agenda, some of the other comments that we've received by either e-mail or telephone. Stacy Harris sent some comments in favor of the animal control ordinance. Mr. Jim Trockman called, and he was, I believe, in favor of the ordinance, but was concerned that you could be fined for a barking dog while nothing is done about loud music from other residences. So, he brought up that point. Dominick Marano also breeds beagles and his concern is a lot of barking from beagles. Mr. Pitts owns horses and he pointed out several parts of this ordinance that he thought were vague, and while you might be writing it thinking of dogs, it applied to other animals, particularly, in his opinion, horses. Then, the Farm Bureau, their legal staff, Mr. Mark Thornburg out of Indianapolis went over the ordinance and made several notations on several different parts of the ordinance where he felt that it should be changed in order to make it not apply to livestock, and he brought up some of the points about manure that you also addressed. Let's see, I think that that's all. There were multiple e-mails and conversations from several people. If I missed anybody their printouts will be in the record, and anyone can see those if you like. Commissioners, do we have any comments or discussion?

Commissioner Tornatta: Yeah, I have a couple of comments. My hope is that, as far as the zoning issues, that the zoning issues will be covered at the time of zoning. So, we would not be directly responsible for zoning a project, or worrying about the zoning of a project. Hopefully, that's been, that's already been covered. The main reason why I thought it was appropriate to bring this particular ordinance to the table was because law enforcement needs some type of teeth to enforce. Up until now, law enforcement, Animal Control, anybody that was sent out had no teeth to enforce any type of rules or consequence if somebody is not being a good citizen, being a good neighbor, trying to minimize, and in some cases a dog barking or potentially an animal that is getting into someone else's property, or potentially damaging other people's property. We don't have any teeth to take care of any of those issues. And, do we need to change that?

Madelyn Grayson: Yes, I'm sorry.

**(Tape change)**

Commissioner Tornatta: And, in looking at a document, it is to allow that law enforcement individual, or the person that comes out there the ability to be able to pose a fine if something is habitual. And, we've seen it on the city side and the county side, with some of the ordinances that have come about have been because we have had habitual problems that need to be looked into. So, much like in a speeding ticket, not making their minds up for them, but much like in a speeding ticket, they can give you a warning and try and work something out with you. If they keep coming back, I don't see any reason why they shouldn't be able to propose some type of fine. So, in my opinion, that's why this particular ordinance is here. It is not to say that I am not an animal lover, but it is to say that we need to all recognize and be good neighbors. If you're not being one of those people, then there could be a fine that is assessed to you.

Commissioner Nix: Thank you, Commissioner Tornatta. Just a few things, just of all the e-mails that we've received this week, the correspondences that people have talked to, it looks like there's about five issues that this ordinance addresses in some way, shape or form that maybe needs to be cleaned up a little bit and tightened up, I guess. One is a zoning issue, we talked about that a little bit today, the other is noise, you know, the continual barking of dogs, animals, the number of animals, and then there's some safety concerns from some of the neighbors. If you're out walking and a dog comes up on you, and, you know, what do you do? Do you run? Do you stop? You know, and, then, I guess, the last thing is farms. We didn't really address that probably as well as we should. I would like to make a recommendation that we table this, and maybe get the group back together, get some more information, take this information that we have here right now and tweak this thing a little bit and bring it back to the Commission in a week or two. I don't know if we want to set a deadline now—

President Musgrave: No.

Commissioner Nix: —for that? Or if we just want to leave it open for a few weeks until we can get this thing where most everybody is comfortable with it?

Commissioner Tornatta: I will second that motion, and I will say that I am not in any hurry, necessarily, to get this document down, but I do want to get this out there in some form so that law enforcement can make those decisions and put it in their court and have something that will have teeth so that they can do their job.

Commissioner Nix: Okay, and that was in the form of a motion.  
President Musgrave: (Inaudible).

Commissioner Nix: Yes.

President Musgrave: Before I call for the vote, I would like to say that when this matter came before us, the driving impetus was dogs that were leaving their property and threatening passers by on the street, or people next door they were actually being very aggressive. When the ordinance was brought to us it covered a great deal more than that. My inclination is, because, as you say, the county is a very big place, if the language can't be finessed enough, and I'm sure that the legal team will definitely work on that, and I've asked Mr. Ziemer to have communication with the Farm Bureau attorney to see if we can't make the language apply to what we want it to apply to, which is the threatening situation with animals. I'm inclined to do as little as possible to solve the problem, rather than to put a broad ordinance in place that creates more problems than it solves.

Ted C. Ziemer, Jr.: Commissioner Musgrave, you don't want a barking provision in there then? I mean, that would, for example, Mr. Muensterman who was here last week, that was his concern, had nothing to do about animals running loose. I think, so, you know, we need direction. If you want it, we can design the language, if you don't, we'll take it out.

President Musgrave: The language would have to address the semi-agricultural focus for people who are raising dogs for hunting—

Ted C. Ziemer, Jr.: Yeah, that's not a problem.

President Musgrave: —which is legal in Indiana. Sometimes those dogs do live in residential situations, and they will bark. So, with the direction that we can solve those problems, yes, I'm in favor of moving forward, but I'm not going to run the beagle breeders out of business.

Ted C. Ziemer, Jr.: And, that's, of course, up to the Commissioners. What I want to say is you can't have it both ways. If we're going to stop barking dogs in residential neighborhoods, then you stop barking dogs in residential neighborhoods. Unless you're going to say, unless you're raising beagles you can bark in residential neighborhoods. That's where we need direction. It has nothing to do with legal finesse.

President Musgrave: Well, I would like the committee that Sheriff Williams started with to grow to include some of the folks who have brought their comments forward, and including you, take it to committee, see if you can't work it out, and then come back to us with the product. Again, like Commissioner Tornatta, I'm not willing to put a deadline on you, but soon would be good.

Commissioner Tornatta: Could I get Major Molden up here just to ask a question?

Scott Molden: Hello, Major Scott Molden, Sheriff's office.

Commissioner Tornatta: You have been on several of these runs, and kind of the liaison on a lot of the animal control issues, am I correct?

Scott Molden: That is correct.



Commissioner Tornatta: Okay, what type of, what do you see, do you see a lot of barking issues? What are the things that you see when you've been out on the road.

Scott Molden: Well, most of the involvement I have with the ordinance, where it is now, is over the last year, when I was doing the compliance issue, which started with abandoned vehicles, and most of those complaints, I would say, were generated from the newest subdivisions that are being built in the county. The places that the lady spoke of earlier I'm not even familiar with, as far as receiving complaints. I think what was referred to earlier is probably accurate, and that is, the Sheriff's office, I think, uses a lot of discretion when we make those choices about whether we're going to pursue actual fines or penalties. I think we're very good to work with, but there are some cases right now where you may have a new subdivision, and off the top of my head I'm thinking of like off Petersburg Road north of Boonville-New Harmony. We have an area where there are a lot of homes concentrated in a small area, so, most people, because they live in the county believe they can just let their animals just run and roam freely within a subdivision, and those residents who live there, the children....you know, I've gotten most of my complaints that a guy is trying to walk down the street and a dog is running out after him out in the street, or relieving himself in the neighbor's yard. They're not really complaining about a person who leaves his dog outside for 20 minutes to relieve himself and maybe barks for that 20 minutes. Most of my complaints were the guy leaves for work at 9:00 and leaves his dog outside all night long. If we did get that complaint and we came up to the scene, our general procedure would be to, first, probably stop and listen, see if we hear that barking going on. If we don't, then we would probably consider the run unfounded and maybe make contact with the residents, and say, "Hey, we got called out on this issue.", and just gather all the information and investigate it like we would any complaint before we take any action. You know, I like what you said about kind of referencing it to a speeding ticket. You know, we don't write a speeding ticket to everybody that we stop, certainly not. We would do some investigating and try to make a common sense decision.

Commissioner Tornatta: So, on any of these issues, obviously, there would be that opportunity that you could make a spot decision, and that would go with protocol on how you see things?

Scott Molden: Absolutely, absolutely. What this does is exactly what I believe you referenced, and that is, at this moment right now today we really don't have any, what you said, teeth, you know, to take a lot of action. We have the one person who has an animal, and I'm an animal lover and believe in that very much so, but, you have this one person who is surrounded by maybe ten or twelve people who are not so happy about maybe the responsibility that person is taking with that pet and they want to have a little more accountability.

Commissioner Tornatta: Right now, if one were to go from a complaint, they would have to go to the Prosecutor's office, is that correct?

Scott Molden: All we could do right now is just generate an incident report, and then it would be up to the Prosecutor's office to pursue something based on that incident. We don't have any way to write a citation or anything like that at this time.

Commissioner Tornatta: Okay, thank you very much.

Scott Molden: You're welcome.

President Musgrave: Is there any further comment?

Scott Molden: I'm sorry?

President Musgrave: Oh, you're fine. If there is no further comment, we have a motion and a second on the floor to table this ordinance. All in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. So, we'll bring it back, and, Sheriff Williams, I thank you for the effort that you have expended so far, and the meetings and discussions that you will hold from this point forward.

### **Board Appointments**

President Musgrave: Okay, we move back now to our agenda, which I have covered up on my desk. Here it is. Board appointments, Youth Care Center advisory board. I would like to recommend Mr. Mike Duckworth.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

### **New Business**

President Musgrave: Is there any new business?

### **Old Business**

President Musgrave: Any old business?

Commissioner Tornatta: Yeah, I do have just, I guess, we can call old business. We have the Vanderburgh County Rx plan that's out, with the Health Department, and a lot of people in Vanderburgh County have done a fantabulous job of bringing that out. We have our first card that's been given out, and the program's actually been going a full day. This is the card that we put out. Thanks to Z. Tuley, Royce Sutton, Mike Goebel and a lot of Vanderburgh County officials, and Gary Heck for helping out with everything that's happened and our kick off yesterday. I just would recommend and encourage anybody that needs the assistance of this card to go to any of your participating pharmacies to any of the, I believe it's on the Health Department website, they can find a list of places to go. Old National Bank has all their locations that have these cards and take advantage.

President Musgrave: Okay, thank you. Any other old business?

<b>Consent Items</b>
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President Musgrave: Is there a motion to adopt the consent agenda?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: If there's no other business, a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:20 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the April 17, 2007 Commission Meeting Minutes.

Evansville ARC: March 2007 report of activities.

Evansville ARC: Minutes from March 21, 2007 board meeting.

Thank you letter from Indiana Division of State Court Administration: Centre.

Letters/e-mails regarding animal control ordinance (8).

Department head meeting notes: April 17, 2007.

**Employment Changes:**

Prosecutor (2)

Sheriff Office (3)

Health Department (1)

Burdette Park (2)

Treasurer (2)

**Travel Requests:**

Health Department (4)

County Engineer (1)

**County Engineer:** Pay Request No. 23: Green River-Burkhardt TIF Projects.

**Auditor:** Surplus request: computer.

**Weights & Measures:** Monthly report: 3/15-4/15/07.

**Department Head Reports:**

Burdette Park

County Engineer

County Highway

Ozone Office

Veterans Service

**Those in Attendance:**

Cheryl Musgrave  
Bill Fluty  
Madelyn Grayson  
Mary Williams  
Lorrie Fleming  
Scott Molden  
Members of Media

Bill Nix  
Ted C. Ziemer, Jr.  
B.J. Farrell  
Debbie Spalding  
Judith McKnight  
Eric Williams

Troy Tornatta  
Marissa Nichoalds  
Brian Taylor  
John Stoll  
Bill Jeffers  
Others Unidentified

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
MAY 1, 2007**

The Vanderburgh County Board of Commissioners met in session this 1<sup>st</sup> day of May, 2007 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 May 1, 2007 meeting of the Board of Commissioners. It's approximately 3:30, and we will start with introductions on 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 Tornatta: Troy Tornatta, 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.)

**Mental Health America Proclamation**

President Musgrave: Our first action item today is the proclamation for Mental Health America. We welcome Ms. Jennifer Wigginton back, are you, would you like to tell us anything about mental health awareness today, Ms. Wigginton?

Jennifer Wigginton: Oh, well, let me get this attendance sheet to the next person. Like you said, I'm Jennifer Wigginton, I'm the board of directors on Mental Health America. This is Maryann Joyce, and she's the executive director. We mainly wanted to invite everyone out to Mental Health Awareness Day next Tues...Wednesday, on the 9<sup>th</sup>. It goes from 11:00 to 1:00. It will be on the walkway at 4<sup>th</sup> and Main. There's going to be some entertainment, some free ten minute massages, they're going to sell some hot dogs, and, basically, just bring awareness to the mental health issues. We've also asked churches and a lot of other organizations to ring their bells at noon, along with that. So, did you want to add anything?

Maryann Joyce: Just to add to that, we're doing a variety of different mental health screenings; depression, anxiety, and there will be one for gambling and stress as well.

President Musgrave: Oh?

Maryann Joyce: We thought with what's going on in Vanderburgh County with the suicide rate, we really want to outreach to employees in the downtown area, just to help people become aware of their mental health and check out if there is any concerns.

President Musgrave: Well, thank you very much. I know that we have a proclamation here that Commissioner Nix has volunteered to read.

Jennifer Wigginton: Thank you.

Commissioner Nix: Good afternoon. This is Mental Health May 2007, "Mind Your Health";

"Whereas, mental health is essential to everyone's overall health and well being; and, Whereas, mental health problems can affect all areas of a person's life, including school, home and work; and, Whereas, mental health problems will strike one in five adults each year regardless of age, gender, race, ethnicity, religion or economic status; and, Whereas, nearly 30,000 American lives are lost each year to suicide and mental illness; and, Whereas, all Americans from combat veterans to hurricane victims are vulnerable to chronic mental health problems associated with trauma and can benefit greatly from early identification and treatment; and, Whereas, people can recover from mental illness and lead full productive lives in the community; and, Whereas, an estimated two thirds of adults and young people with mental health problems go without the help they need; and, Whereas, the cost of untreated and mistreated mental health and substance abuse problems to American businesses, governments and families has grown to \$105 billion annually; and, Whereas, each business, school, government agency, health care provider, organization and citizen bears the burden of mental health problems and has a responsibility to promote mental wellness. Therefore, we, Cheryl Musgrave, Bill Nix and Troy Tornatta do hereby proclaim May 2007 Mental Health Month in Vanderburgh County."

President Musgrave: Is that in the form of a motion?

Commissioner Nix: That is in the form of a motion.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you for your work on this issue.

Commissioner Nix: Let me just read, there's one additional paragraph here:

“As the County Commissioners, we also call upon the citizens, government agencies, public and private institutions, businesses and schools in Vanderburgh County to recommit our community to increasing awareness and understanding of mental health, and the need for appropriate and accessible services for all people with mental illness.”

President Musgrave: We'll go ahead and sign this now, so that you can take it. Make sure you leave us a copy before you go. Good luck.

Jennifer Wigginton: Thank you very much.

<b>Permission to Open Burdette Park Food Bids</b>
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President Musgrave: Is there a motion to open the bids, what are those bids for?

Ted C. Ziemer, Jr.: Food for Burdette Park.

President Musgrave: For food for Burdette Park?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Jennifer Nagy: Minority/Women in Business Board Update</b>
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President Musgrave: Now, I'm pleased to welcome Jennifer Nagy to give the Commissioners the minority/women in business board update. This is one of the boards that the Commission appoints to. Are you our appointee on this board, Jennifer?

Jennifer Nagy: I am not. I'm a Mayoral appointee, but we do have one of your appointees, Darrell Ragland, is here with us.

President Musgrave: Hello, Darrell.

Darrell Ragland: Hello.

Commissioner Nix: Darrell.

Jennifer Nagy: Thank you for having us, on behalf of the board and Debbie Spalding, I'm pleased to give you every report on what we are doing and have been accomplishing over the last year. As I mentioned, Darrell is with us, Frankye Calloway and Carolyn Walters are your other appointees, who weren't able to be here today. They send their regards, of course. We have accomplished an awful lot in 2006 and the years prior, but I wanted to just give you a briefing of what has

changed. At the beginning of 2006 we had 56 certified vendors, meaning we have certified them as a minority or women business enterprise, able to do business under this program. At the end we had 68, so, we added 12. We are very pleased with the growth in that. More importantly, we gave many more opportunities for the MWBE's not only to participate as the major vendor, but also as sub-contractors. That increased greatly. We are now finalizing the exact dollar figure for the growth. I'm going to give you some estimates, but, again, we are finalizing it, and you'll get a written report on this at some point very soon. It looks like we had about 3.8 percent growth in 2006 over previous years in spending with MWBE program. The vast majority, it's really split evenly between MWBE and women business enterprises. The Vanderburgh County portion of the spend was about \$190,000. The total spend for city and county was about \$595,000. The growth came evenly through the, for minority and women business enterprises. I think, one of the things that you asked that we provide is some of our goals for the coming year. We have, certainly, the goal to continue to increase the opportunities for the MWBE's. We've had some challenges in actually getting a spend analysis report. We aren't able to easily quantify right now what percentage of the total city/county spend is spent with minority or women business enterprises. However, the Purchasing Department has engaged some, a firm to do some of the programming that was required, and, we hope at some point it will be an automated report. But, right now, we aren't able to. So, that is certainly a goal. Another goal is that we would like to start a mentoring program with either major contractors or successful MWBE's. Helping them connect with new minority and women business enterprises and spread the best practices. We also would like to have a little more board involvement. Many of the people on the board either are involved as small business owners, or they're involved with organizations who help them. So, we would like to do some visitation and some mentoring from board to members on the list. Last, but not least, certainly, we would like to collaborate with organizations that work with small businesses more. The past year we developed strong ties with the Indiana Business Diversity Council. That's been a great partnership. We want to extend that to other organizations who are like minded, not only providing opportunities to MWBE's, but also in the education of good business practices and how to be successful. I think that probably is a brief overview of what we have accomplished and what we plan to do, but I would welcome any questions.

President Musgrave: How does somebody interested in the services that you have to offer, or interested in partnering with one of your vendors, how do they reach you?

Jennifer Nagy: Well, as far as the services that we offer through the MWBE program, they would talk to the Purchasing Department. We have a website. We also host some meetings where they can meet Ruth Ann Adams or Debbie Spalding who step them through the process. As far as connecting with others that they can do sub-contracting work with, we host a minimum of one, sometimes two or three events a year, which we call the connecting events, where they can meet larger contractors, learn about their processes and policies.

President Musgrave: What is that web address and phone number?

Jennifer Nagy: The web address would be from the city, or the county, I think it's a link, it's that correct, Debbie? It's a link from the city or county address. The phone number is 812-436-4958.



President Musgrave: The web address is, for Vanderburgh County, vanderburghgov.org. So, and, you would follow the links to the Purchasing Department? Or does MWBE have it's own link?

Jennifer Nagy: I believe you can get there either way.

Debbie Spalding: Doing business with the county.

Jennifer Nagy: Doing business with the county is the appropriate link.

President Musgrave: Alright, are there other questions? Comments? Well, thank you for coming, Ms. Nagy.

Jennifer Nagy: Thank you very much.

President Musgrave: We appreciate the update.

**Joanne Alexandrovich: Air Quality Update**

President Musgrave: We now have Joanne Alexandrovich to give us an air quality update. Dr. Alexandrovich is the county's employee working through the Health Department.

Joanne Alexandrovich: That's right. Thank you. It's also National Air Quality Awareness Week. So, that's why I asked to be here to give a little update and make the community aware of the state of our air quality. Today also is the first day of ozone forecast season, so, I thought it was a good time to do it. I think most of the news I have for you is good news. One down side, Vanderburgh, Warrick, Dubois, and three townships in Gibson, Pike and Spencer Counties remain in non-attainment for fine particulate matter, PM2.5. On the other hand, all of the monitoring data that we've collected through 2006 shows that those counties and townships are in compliance with the new standard, with the old standard and with the new standard that went into effect last year. So, although we're officially in non-attainment, we're in compliance. Those numbers, I'm kind of double checking here on my end and working with IDEM to get those numbers published soon. Bottom line is, with both particulate matter and ozone, our air quality has improved dramatically over the last ten years, the last 20 years. So, it's a good thing. In addition, I expect most of these trends to continue, because we can expect more pollution controls to come on-line. Controls such as cleaner diesel fuels and trucks, SCR's and scrubbers on utilities. Also, there will be controls or cleaner products, consumer products, paints, lawnmowers, weed whackers, weed blowers and all of that. So, we can expect emissions reductions in the coming years due to those kinds of changes. Along with technology changes come improvements in our knowledge, medical knowledge, for one, compared to 20 years ago. Health researchers know quite a bit more about the effects of air pollution on human health and the environment, and as a result of that knowledge and provisions of the Clean Air Act, the EPA, the USEPA, has made air quality standards more stringent. Back in '97, also in 2006 we expect probably some more changes, more stringent standards in 2008. That's with respect to the ozone standard. The EPA is reviewing the health studies, and they are due to release a proposal for standards next month. All indications are it will probably be more stringent. So, if we have an air quality alert, it will probably be because of even cleaner air than we have now. But, before they change those standards, we are going to keep the protocol for calling an air quality alert, particulate matter and ozone

the same as we are currently, which is based on the established standards. So, the Evansville EPA and myself will work to call an air quality alert if we expect pollution levels to exceed those standards. Once the standards are finalized and changed, we'll adjust our program to those standards. One main reason why we use those standards is because of the voluminous health studies and public process that setting those standards goes through, and the Clean Air Act requires that they must be protective of public health with an adequate margin of safety. So, that's why we use those standards, but, recognizing some people may be more sensitive to lower levels of air pollution. Also, some people feel that our alert program is maybe not stringent enough. We're improving our forecasting program this summer. We're going to, hopefully it will work, provide forecasts a day ahead of time of numerical levels of ozone. In the past we just provided, if it was good, moderate or unhealthy per the USEPA air quality index, or green, yellow and orange. Now, we're going to be providing for ozone values of parts per billion. That you can see on the website, which is [vanderburghgov.org/health](http://vanderburghgov.org/health) or it's also linked at the Evansville site [evansvillegov.org/epa](http://evansvillegov.org/epa). We hope they'll be useful, and then by the end of the ozone season I'll put together a little summary of how well we did. Another thing today, air quality awareness week in the news is that the American Lung Association released their 2007 state of the air report. They've done this for many years, at least the last six or so. Vanderburgh County received a C for ozone, and an F grade for particulate matter. I know those don't sound so good, but the C is an improvement, we failed in previous years. I expect next year that we'll at least have a passing grade for particulate matter. The report is based on 2003-2005, and now we know that 2006 has even cleaner data. It's worth noting the contrast between compliance and attainment with the air quality standards and the American Lung Association's report card, and that has to do with exceedances. The air quality standards allow for an exceedance, now and then, every couple of, you know, a couple of days a year of these standards. So, we can have an ozone alert, particulate alert and still be in attainment of the standard. The American Lung Association doesn't allow for any exceedances. So, they have a more stringent grading system. But, the health studies show that, you know, it's okay now and then, and that's why we have the alerts to alert people to maybe, you know, change your activities to avoid the exposure, especially for sensitive groups. I guess, unless you have any questions, I would just like to close and recognize and thank all of my formal clean air partners, and that would be; Dona Bergman and the Evansville EPA, local air agencies in Indianapolis and Louisville, of course, IDEM, the USEPA and NOAA and the National Weather Service.

President Musgrave: You mentioned that you expected us to get a better grade the next time the report comes out because it will be based on different data, different years worth of data?

Joanne Alexandrovich: Uh-huh.

President Musgrave: What has changed to allow us to have cleaner data?

Joanne Alexandrovich: Well, 2005, which is included in both the ALA report and our calculations for compliance numbers currently was, for some reason, and we haven't figured it out yet, a particularly bad year for particle pollution across the United States, at least the east coast. There's a lot of hypothesis' flying around out there what the problem was, but we really don't know. So, this year when our levels are down, that's why we'll have cleaner, better numbers. But, largely if you track emissions, what are called regional emissions, power plants, they've gone down tremendous amounts in the last six to ten years, and they will continue to decrease.

So, I could probably pinpoint some numbers that show decreases in those emissions of NOx and SOx. But, there are other programs, anti-idling programs and clean air busses and diesel trucks, so it's not alone, it's everything combined. So, I can't really pinpoint it.

Commissioner Nix: I think one thing that diesel fuel just took effect, what, in the last six months or so? The low sulfur.

Joanne Alexandrovich: Last October.

Commissioner Nix: Yeah, last October, so, that's a big thing in itself right there.

Joanne Alexandrovich: Then, I think it's 2007, trucks will also have additional particle traps and catalytic converters on them. So, they'll be even cleaner. That's why they have to have the cleaner fuel.

President Musgrave: Any questions, comments? Thank you very much for the update.

Joanne Alexandrovich: Thank you.

<b>Permission to Award Bid: Burdette Park Beverage Services</b>
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President Musgrave: Are you ready to, well, we have next on the agenda the permission to award the Burdette Park beverage bid. Ms. Spalding, or Mr. Craig, whichever, oh, Ms. Spalding? Then we can talk about whether you're ready to read into the record, okay?

Debbie Spalding: Good afternoon. At the last meeting we opened bids for the beverages, and you will recall there were two bids, one that was received from Pepsi Cola, and the other one that was received from Royal Crown. We did here from Coca-Cola prior to the bid, they said they would not be able to provide a bid this year for the beverages. Based upon the bids that were provided, and, again, there was some time that had to be done, because they were not offering the same product, looking at the bids. But, both Steve Craig, Joyce Moers, and myself would agree that RC Cola was the lowest bid. In addition to the products, the beverages that they would be providing, they also offered advertising that totaled, in their estimates, \$47,000 worth of free advertising for Burdette and it's facilities and events that are going to be happening. So, we would recommend that it be awarded to Royal Crown Cola.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: Thank you.

**Reading of Bids: Burdette Park Food Services**

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: Well, get ready, Debbie, because you've got the same problem on the food bids. We had four bidders, Weber Foods bid \$2,000; CRS One Source just has numerous, itemized items with quotes, with prices by them and no total. Fischer Candy Company did the same as CRS, that is numerous, itemized food items, but no total. Then, Earth Grains Baking Company, Inc., bid \$3,878.

Commissioner Nix: Move we take the bids under advisement.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Tax Code Consolidation: Quit Claim Deeds:  
Ingle/Market St., St. Joe Avenue, East Sycamore Street**

President Musgrave: We have some quit claim deeds and tax code consolidation forms for the properties located at North St. Joseph Avenue, which comprise, I believe, the County Garage, which was set on multiple codes; Ingle and Market Streets, and East Sycamore Street, and, I believe, that property, all those names refer to the Coroner's office. This is just basically a clean up, to put those on a single tax code. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Bernardin Lochmueller: Supplemental Agreement No. 2: Green River Rd.  
Superior Court: Professional Services Agreement: Ryan Barrett**

President Musgrave: We move now to contracts, agreements and leases. Bernardin Lochmueller and Associates, Green River Road supplemental agreement. Do you care to speak to that, Mr. Stoll? Commissioners, you've received the e-mail for that, if it's alright, I'll read them as a group, the Superior Court Misdemeanor/Probation Department agreement for professional services with Deputy Sheriff Ryan Barrett. The right-of-way acquisition, that right-of-way acquisition, I believe that I will skip that and ask for a motion on the first two.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. As for the right-of-way acquisition agreement, I would like to delay that for one week while Mr. Stoll researches some issues. I don't believe we need a motion to delay it.

<b>County Engineer</b>
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President Musgrave: We move then to the department head reports. The first on my list, and maybe the only one on my list is the County Engineer, but I know that the Health Department would like to make a report. Are there any other department heads who would like to make a report? You come up first, Mr. Stoll.

John Stoll: I need your approval on some right-of-way purchase offers for the Baseline Road bridge project over the CSX railroad. The parcels are, and the offered amounts are as follows; parcel one, Farney Farms, Inc., the offer amount will be \$35,600; parcel two, Ralph and Imogene Rexing, \$35,050; parcel four, Azteca Milling, \$2,600; parcel five, Frank and Brenda Farney, \$14,500.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: I also have some right-of-way purchase offers for the Green River Road-Millersburg Road intersection project. These are parcel six, Jo Ann Fields, \$20,000; parcels seven and 25, Ronald and Jean Titzer, \$27,000; parcel eight, James and Karen Martin, \$25,000; parcel nine, Dianne Kowaleski, \$21,750; parcel ten, Warren and Rita Roettger, \$16,750; parcel 18, Greg and April Jones, \$15,400, for a total of \$125,900.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item I have is the notice of intent must be filed with the Department of Environmental Management. This is for the Rule Five land disturbing activities. I need your approval to, on the application, to send to IDEM, this is for the Baseline Road bridge project.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all.

President Musgrave: And, we already did the Green River Road agreement.

John Stoll: Right, and I'll bring the Oak Hill one to the next meeting.

President Musgrave: Okay, thank you.

John Stoll: Thanks.

<b>Health Department</b>
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President Musgrave: Mr. Gary Heck of the Health Department.

Gary Heck: Gary Heck, Vanderburgh County Health Department. It's my understanding that you're aware that the Indiana State Department of Health recently held a workshop on model legal codes for trying to prevent lead health hazards. One of our environmental health supervisors, Dwayne Caldwell, attended a workshop that they held last week, and with your permission, we would like to begin to explore the opportunity to have a lead code here for Vanderburgh County. He would like to work on that and then eventually get it to County Attorney Ziemer for his review and to bring back to you all for your all's consideration.

Commissioner Nix: This would parallel the city's ordinance? Or what you're proposing, are there changes within the city right now?

Gary Heck: The city currently has one. We would certainly have to have that discussion with them as well, but, that's what we would certainly hope that could happen.

Commissioner Nix: Move approval to move forward with that.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Tornatta: I would like to see the city and the county be on the same page on that, whatever we come up with.

Gary Heck: We'll certainly pass that along too. Thanks so much for your blessing.

Commissioner Nix: As long as they agree with us, right, Gary?

President Musgrave: Well, Gary works for both the city and the county, and, so, I think that his relationship is such that we can, he can manage that process. One of the, Mr. Ziemer, do you have any items?

Ted C. Ziemer, Jr.: I do.

<b>County Attorney</b>
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Ted C. Ziemer, Jr.: I have the proposed trending agreement to be entered into between the county and A & S Associates of New Albany, Indiana on behalf of the assessors and the County Assessor.

President Musgrave: I know that the Assessor is here. Is a representative from A & S here? Yes? I believe that there's at least one member of the public who would like to address this issue, is that right, Mr. Rogers?

Jack Rogers: I only have a brief sentence.

President Musgrave: Alright. I would invite the Assessor and A & S up to put any remarks on the record that they would like.

Jonathan Weaver: Good afternoon, Jonathan Weaver, Vanderburgh County Assessor. I would like to introduce to the Commissioners our commercial/industrial trender, I guess, you would want to say, Chuck Simons with A & S Associates.

Chuck Simons: Good afternoon. I don't know what, I had a long conversation this morning, so, I don't know, are there questions of me? Or, I believe, Mr. Rogers, did you have a question of me.

Jack Rogers: I—

President Musgrave: Mr. Rogers, you have to come to the microphone and state your name for the record.

Jack Rogers: Jack Rogers. I have some concerns, but none of them are related to Mr. Simons specifically, they are only a concern that the process is one that's transparent to people that have the capability to understand the process. That is people that normally work in the industry, and take the data that they've used and be able to understand how it was interpolated into valuation grids. That's two sentences, but, that's all I have to say.

President Musgrave: And, by transparency, I take it that you mean you would like to see the, in this case, the Excel spreadsheets that arrive at the square foot, front foot, other values?

Jack Rogers: I would like to see any and all supporting data work, just as my surveyor would show me how he found the points on my property, the same way as I would look at that, so that I can follow the process entirely, and hopefully understand it.

President Musgrave: Have you obtained that information for the current trending?

Jack Rogers: Partially, the Assessor's been helpful. There are some things that are not included here or are in hidden columns that I haven't been quite able to divine yet, but, I haven't visited with him about that. I think that once I do, that he'll be able to help me out on that.

President Musgrave: What response do you have regarding the work papers and the data that Mr. Rogers is discussing?

Chuck Simons: I told Mr. Rogers and Mr. Matthews both that anything that is compiled by A & S Associates for Vanderburgh County assessors is public record, and I'll be more than happy to meet with them and explain anything that they want explained. In fact, I offered to meet with him, I said subject to being approved, to meet with him Friday and go over what his concerns are from a trending that I had nothing to do with. But, what I want to get a handle on is, in the profession Mr. Matthews and himself seem to have some concerns. I need to know what those concerns are before I start my work. That's basically what we're trying to do. What my concern is, is where does he feel the concerns are, and what the problems are? I'm working for the assessors and for Vanderburgh County, he's a taxpayer in Vanderburgh County, so, it's my obligation to work with him.

Commissioner Nix: Mr. Rogers, is it your opinion that this is something that should be standardized then, so that everyone knows, has that information available to them?

Jack Rogers: Well, I think the assessors office, in recent history, has worked hard to make that, all processes transparent. I think that, hopefully, continues.

President Musgrave: I would like to see that data posted on the website so that anyone can download it, not just someone who has the access to sit down, and the time to sit down and meet with you. Do you have any issues with that?

Chuck Simons: Not once it's turned over to the county, no.

President Musgrave: Okay. Can you, relay a little bit about your experience in this field and your other clients in Indiana?

Chuck Simons: Well, I've had a total of 12, 14 counties that I have completed reassessments in successfully. I've been in the business since 1968. I've been in business on my own since '78-'79. Have never not completed a contract. Have completed contracts timely. Have never been sued or kicked out of a county, or a contract revoked. Work record is excellent, and the quality of the product that I deliver is excellent. The only county in the state in the last reassessment to have zero factors applied to it, and you being a County Assessor knows what that means, was a county that I did.

President Musgrave: Which county was that?

Chuck Simons: Floyd County.

President Musgrave: Floyd is where you reside?

Chuck Simons: Right, right. That is the only county that had absolutely zero factors applied to it in the whole state, out of 92 counties. There were two other counties that, three other counties that I bid on, and I bid on several here, but I was high



bidder, so, I didn't get them. They all recognize the fact that, most of them that I deal with are people that I've known for 20-25 years. They know of my abilities.

President Musgrave: When you say that you have ten or 15 counties, is that over a period of time, or was that last year?

Chuck Simons: Over the last 15 years. I've completed, I believe the total counting Jefferson County, which is Madison, was 14. Every one of them were completed on time, every one of them were successful. None of them were rejected, no lawsuits. It's basically because of cooperation with the, you know, you have to work together. Everybody works together, we get a good product.

President Musgrave: When you say that Floyd had no factors, that's generally, you're speaking of residential property then, did you do only the residential, or did you do commercial/industrial and residential as well?

Chuck Simons: Commercial, industrial, residential.

President Musgrave: For this contract it's only speaking to commercial and industrial, correct?

Chuck Simons: That's correct. That's correct.

President Musgrave: I would like to ask the Assessor a question. Thank you, sir. Did anybody have any more questions for Mr. Simons? Could you describe the process that you used to bid this out?

Jonathan Weaver: On the advice of Mr. Ziemer, we bidded it out.

Ted C. Ziemer, Jr.: I think what Mr. Weaver means is that we advertised for bids, and then Mr. Weaver selected certain companies that do trending work to whom to send copies of the contract that comprised the specifications, and those were selected, I think, from a list that had been approved by the State of Indiana. One that he did not send information to was Appraisal Research Company, who had the contract last, from 2005, and they, on their own, saw the advertisement and chose to bid. So, I think that's the process you're describing.

Jonathan Weaver: Pretty cut and dry, yeah.

President Musgrave: So, you didn't send packets to the entire state list, you only sent packets to some, however, you did put an ad in the newspaper, but you didn't take the effort to let everyone know that there was an opportunity?

Jonathan Weaver: I consulted with Mr. Ziemer, we went about it the way that we thought we should have went about it, and it was advertised, and everyone had an opportunity.

President Musgrave: Mr. Simons, I don't know if you remember, but, it's been quite some time, I served on the, it was called the Board of Review in 1990 and 1991, which reviewed the appeals from the work that you did at that time.

Chuck Simons: Uh-huh.

President Musgrave: So, I do remember quite a lot about that. I remember that Mr. Hatfield was one of the tax representatives, whereas now he is the assessor, and I remember that being quite contentious and difficult period of time. A number of newspaper articles. So, are there any other questions? Is there a motion?

Commissioner Tornatta: Motion to accept the agreement.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioner Nix: Aye.

Commissioner Tornatta: Aye.

President Musgrave: And I vote no. Show the motion as passed.

Jonathan Weaver: Thank you, Mr. Ziemer, for your help.

<b>New Business</b>
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President Musgrave: We move now to new business. One item of new business is to make sure everyone knows there is no Commission meeting on May 8<sup>th</sup>, that's the primary election, nor on the 29<sup>th</sup>. May 29<sup>th</sup> is the fifth Tuesday of the month, and the Commission does not meet on the fifth Tuesday. So, mark your calendars accordingly. Is there any other new business?

<b>Old Business</b>
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President Musgrave: Any old business? I have a report on the Old Courthouse parking. If you'll recall, last week during the Drainage Board, I mentioned to the Commissioners that I was going to talk to the City Clerk about patrolling the little parking lot that's right outside the Old Courthouse. I have spoken with her deputy, and she herself has indicated that she is agreeable to monitoring this parking lot. She's advised us to go to the Safety Board. We're checking into that process. We've been told that we will need to get a sign to suggest two hour parking, and so we'll go to the city sign department. As those details become available, I'll let you know.

Commissioner Nix: Do you know how many spaces we have over there?

President Musgrave: Eight?

Commissioner Nix: Like seven or eight?

President Musgrave: Something like that.

Commissioner Nix: Okay.

President Musgrave: I've already directed the employee of the Old Courthouse to not park there routinely, and to park behind the Coliseum, which is the county lot.

Commissioner Nix: Do we need a representative to go to the Safety Board?

President Musgrave: Yeah. Are you volunteering?

Commissioner Nix: Well, I could, yeah—

President Musgrave: Oh, super.

Commissioner Nix: I could get down here to do that.

President Musgrave: Okay.

Commissioner Nix: I need to find out, if you could let me know when their next meeting is, we'll come down and—

President Musgrave: Is there any other old business?

<b>Public Comment</b>
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President Musgrave: Is there any public comment? I see no one.

<b>Consent Items</b>
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President Musgrave: We have a list of consent items. Is there a motion to approve them?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:10 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of April 24, 2007 Commission Meeting minutes.  
Approval of May 1, 2007 Executive Session Summary minutes.  
AMR Monthly Report.  
E-mails regarding Old Henderson Road complaint.  
E-mails/letters regarding animal control ordinance.  
Department Head meeting notes: April 24, 2007

**Employment Changes:**

Health Department (1)	Sheriff Department (1)	Public Defender (2)
VCCC (2)		

**Travel Requests:** Health Department (1)

**County Engineer:** Pay Request No. 24: Burkhardt-Green River TIF Projects.

**Treasurer:** Monthly Report: March 2007.

**Auditor:** Surplus request: bookcase.

**County Council:** Surplus request: telephones.

**County Clerk:** Monthly Report: March 2007.

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Jennifer Wigginton	Maryann Joyce
Jennifer Nagy	Joanne Alexandrovich	Debbie Spalding
John Stoll	Gary Heck	Jonathan Weaver
Chuck Simons	Jack Rogers	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
MAY 15, 2007**

The Vanderburgh County Board of Commissioners met in session this 15<sup>th</sup> day of May, 2007 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 May 15, 2007 meeting of the Board of Commissioners. We will start with introductions on 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 Tornatta: Troy Tornatta, 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.)

**Permission to Open Bids:  
VC-53-2007: Veteran's Memorial Coliseum Roof Repair  
VC07-05-02: Concrete Repair of Various Roads**

President Musgrave: Is there a motion to open the bids, VC-53-2007, Veteran's Memorial Coliseum roof repair, and VC07-05-02, concrete repair of various roads?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Legal Aid Society Update**

President Musgrave: We will begin with the Legal Aid Society update. I'm pleased to welcome Mr. David Guerrettaz.

David Guerrettaz: Thank you. May it please the Commission....David Guerrettaz, as you know, is my name. I stand before you as the president of the board of

directors for Legal Aid Society of Evansville. Fortunately, with me here this afternoon are some representatives of our board, as well as our staff. Immediately behind me I have one of our staff attorneys, Garvin Senn, and one of our senior legal assistants, Karen Paulin, and then to her right a couple of our board members, specifically, Amy Back and Sheila, I'm sorry, not Sheila, Angela Freel, and then behind her, David Kent. We are pleased to be here before the Commission, we thank you for this invitation, just to briefly explain for you what we've been up to lately and where we are headed. I am proud to be leading Legal Aid's board in their 49<sup>th</sup>, going on 50<sup>th</sup> year. We'll be celebrating our 50 years as a legal services organization for the underprivileged in our society for 50 years next year. Legal Aid is a successful example of the great collaboration between government and the private sector in providing legal services here in our community for those underprivileged. As many of you may know, Legal Aid is supported by both city and county, as well as United Way. We are proud of that, and we believe that that collaboration will continue for the next 50. It's been a successful organization, and I want to share some of that success with you. Incidentally, normally for a nice events like this we would have our Executive Director here with us, Susie Hartig, who has been the Executive Director for several years. How many, Karen?

Karen Paulin: Twenty.

David Guerrettaz: Twenty. Twenty years she's been our Executive Director. She is in Indianapolis today with the Indiana Pro Bono Commission to which our own Chief Justice, Randall Shepherd, has appointed her to. So, she's taking on that duty today. Legal Aid represents Vanderburgh County residents living in poverty, of course, with civil legal needs. We don't handle criminal matters for indigent individuals. We handle civil, their civil needs. Over 11 percent of our local population, unfortunately, continues to live in poverty. It's our job to assist those individuals when legal issues are confronted. We have three attorneys and three legal secretaries who, and historically, since 2001, have worked in excess of 800 cases per year. So, divide that between three staff attorneys, we keep them pretty busy. In 2006, last year, Legal Aid provided the amount of legal services of \$1,360,310 when you compare the value of their legal services to members of the private sector who provide legal services. We operate on a budget of less than \$370,000. Our board consists of 12 members, some of whom you see here before you, six attorneys from the Evansville Bar Association, and six appointees from city and county government. Of course, we have two appointments from your organization, from the Commission. Despite employing less than one percent of the county's attorneys, we completed last year ten percent of the divorces in the county, four percent of the adoptions, 22 percent of the guardianships, all of which was done in 2006. This has been a joy for me to be a part of, and I can assure the Commission that the clients who's cases we handle have been most appreciative and have been quite, in most cases, I would submit to you, have been quite victorious in having their claims resolved in court. We expect to continue this effort going into next year, and, of course, the next 50 as well, if not longer. We are very proud to be in front of you. If there's any questions about Legal Aid and what we do, we'll be happy to field those. Otherwise, we thank you for this time to present to you. Thank you.

President Musgrave: Commissioners, are there any questions? Alright, thank you for coming.

David Guerrettaz: Thank you all.

President Musgrave: We look forward to seeing you again next year. This is part of our continuing program of having the boards to which the Commissioners appoint members come and give us an annual update. So, thank you for coming. We appreciate the time that you have devoted today and business throughout the year.

David Guerrettaz: Thank you.

President Musgrave: Thank you.

**Mark Acker: Veterans Service: Coliseum Roof Project Update**

President Musgrave: I asked Mr. Mark Acker to make a short, a few short remarks today as we're opening bids, just to highlight the Veteran's Memorial Coliseum roof repair that we hope will occur. So, Mr. Acker?

Mark Acker: Thank you. I'm Mark Acker, County Service Officer of Vanderburgh County. I kind of take the position on the Veteran's Memorial Coliseum as part of one of the board members at the council. The importance of the Veteran's Memorial Coliseum tells it's own story, built in 1916 in honor of the Civil War veterans, ultimately, excuse me, the Civil War veterans, and then certainly World War I veterans then were incorporated into it, because it was built in 1916. The building was occupied as a major metropolitan development when it was constructed at \$850,000 construction fee. In 1916 that was quite a bit of money. It does house a 1,500 rank pipe organ that the children of this community put their milk money together to buy, because it was built for a particular building and it could not go into it because it was too large. So, it wound up in Evansville, Indiana. It's part of the history of the Coliseum. It has been operated by the Veterans Council, under a lease agreement, since 1971, April 8<sup>th</sup>. For 37 years they have been the caretakers of this war memorial. With the help of the CGB funds the building has all brand new windows in it, at a cost of excess of \$650,000. \$650,000 to be exact, that was given through those funds. The integrity of the building now is, with the roof, and the County Commissioners have been gracious through these years to replace the roof, or repair the roof once before, approximately 15 years ago, and then acquired a new boiler for the building. We hope today with the success and understanding the community that the new roof will strengthen the integrity of the building and have it standing for another 100 years so this community can be proud of it's heritage. Thank you.

President Musgrave: Thank you, Mr. Acker.

**Awarding Bids: Burdette Park Food &  
APA-022-2007: Computer & Copy Paper**

President Musgrave: We now move to awarding bids for the Burdette Park food and APA-022-2007 for computer and copy paper. I welcome Debbie Spalding from the Purchasing Department.

Debbie Spalding: Good afternoon. We are ready today to award the Burdette Park food bid. In front of you you have a bid tabulation of the bids that were opened at the last meeting. There were four bidders, and we are recommending that each of those four bidders receive a portion of the bid. Not all bidders were capable of bidding on everything. You'll see on the first page of your bid tabulation, the items that are highlighted are the ones that we are recommending award for. The first



three items, the hamburger, hot dog buns, basically, Burdette Park does not have the facilities available to store frozen food, as CRS bid, even though that was the lower bid. We would be recommending that we go with Earthgrains for that. CRS you will see, on all of these, were awarded the biggest portion of the bid items. They bid on the most items, and in many cases they were the only bidder on a certain item. Weber Foods, we are recommending be awarded the nacho chips. That brand, Funacho, which they have looked at several times, other alternatives, and they would prefer that that brand be awarded. Then, Fischer, basically, is the only person that provided a bid for the candy and some other items. So, we would recommend that you would award to these four different vendors; CRS One Source, Earthgrains, Weber Foods, and Fischer.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: The second reason I'm here is to award the computer and copy paper for the year. This is an annual price agreement of the city and the county. We advertised in the paper on February 21<sup>st</sup> and 28<sup>th</sup> this bid. There were six companies that the bid was sent to. Two companies responded to that request. The winner, based upon price, the low bidder we would recommend that you award that to Resource Services.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Debbie Spalding: Thank you.

<p><b>First &amp; Final Reading of Ordinance: CO.05-07-006:</b> <b>An Ordinance Concerning the Vanderburgh County Board of Health</b></p>
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President Musgrave: We move now to revised Board of Health fee ordinance. Does the Health Department wish to make any comment? No?

Gary Heck: Not on that. I do have one thing I would like to share with you.

President Musgrave: Alright, let us. Is this a first reading of the Health Department fee ordinance? Or is it a second reading?

Ted C. Ziemer, Jr.: It's a vote to, you may, if you wish, vote to waive second reading, and then vote unanimously to adopt this on first reading. Two separate votes, each with a roll call.

President Musgrave: Alright, is there a motion?

Commissioner Tornatta: I make a motion to waive the second reading. First and second reading?

President Musgrave: Second reading.

Commissioner Nix: Second? I think second is correct.

Commissioner Tornatta: Second? Okay.

President Musgrave: We are waiving the second reading. Okay?

Commissioner Nix: Okay. Second.

Commissioner Tornatta: Okay, waiving the second reading, I make that in the form of a motion.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes. Is there another motion?

Commissioner Tornatta: I make a motion to—

Ted C. Ziemer, Jr.: Adopt on first reading.

Commissioner Tornatta: —adopt on first reading.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Do you want to vote? Oh, you can't vote.

Commissioner Nix: I don't have a light.

President Musgrave: You need to turn yours off. Alright, I believe that was unanimous. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. Show the revised Board of Health fee ordinance as adopted.

**Health Department: City/County Employee Health Fair**

President Musgrave: Mr. Heck, I believe you have something else that you would like to discuss.

Gary Heck: Thank you. Gary Heck, Health Department. I just wanted to remind everyone that tomorrow is the city and county employee health and fitness fair. It will be at the Centre from 9:00 to 2:00. We'll have various screenings. This year the cholesterol screening is free of charge. You do need to fast for at least 12 hours before having that done for the best results. But, in addition to that, there will be blood pressure screenings, back care, breast cancer information, free neck, shoulder and foot massages, cancer information, vision screening, mental health information, health risk appraisals, nutrition information, and carbon monoxide testing for any smokers so they can understand all of those extra risks as well. If they participate in at least six activities, they will have their name put in for a drawing for door prizes. I also understand, just so you'll know, that the State Health Commissioner will be in town tomorrow for presentations elsewhere, but intends to visit the health fair.

President Musgrave: Oh, wonderful.

Gary Heck: So, just so you'll know, we're having a visit from a special guest.

President Musgrave: So, this is for employees of the city and county only?

Gary Heck: That's correct.

President Musgrave: Okay, so, we expect to see everyone there.

Gary Heck: Well, we hope to. They can arrange their schedules, and they usually plan for this every year. They've already gotten announcements, but we thought we'd better give another reminder. Thank you.

President Musgrave: Alright, thank you.

**Superior Court: Agreement for Professional Services: Kelly Williams**

President Musgrave: Contracts, agreements and leases, Superior Court, agreement for professional services. This is an agreement to provide services, it's been reviewed. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Reading of Bids:  
VC-53-2007: Veterans Memorial Coliseum Roof Repair  
VC07-05-02: Concrete Repair of Various Roads**

President Musgrave: Before we go ahead and move to the right-of-way acquisition, do you want to go ahead and read the bids off for the two bids that we took?

Ted C. Ziemer, Jr.: Yes. For new roofing for the Coliseum, Lehman Roofing Company, \$289,348; Industrial Contractors, \$279,500; Midwest Roofing, \$325,000. Then, for concrete repair for various roads, J.H. Rudolph, \$511,130; JBI Construction, \$421,325; and Rivertown Construction, \$505,440.

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

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Right-of-Way Acquisition Agreement: Oak Hill-Bergdolt Project  
Purchasing: SBM Service Agreement: Mail Machine**

President Musgrave: We move then to the right-of-way acquisition agreement, Bergdolt Road. Does the County Engineer have remarks to make on this? Is there a motion to accept?

Ted C. Ziemer, Jr.: Excuse me. John, did you bring the agreement with you?

John Stoll: Yes.

Ted C. Ziemer, Jr.: Okay, yeah, Madelyn was just saying she didn't have it. On the chance that it gets approved.

President Musgrave: It might. Is there a motion to approve the agreement?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Purchasing has the SBM service agreement for the mail machine. It has been reviewed. Is there a motion to accept?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Windemere Farms Homeowners Association:  
Request to Close Road for Neighborhood Picnic**

President Musgrave: We move now to the Windemere Farms Homeowners Association request to close the road for the neighborhood picnic. I understand that the certificate of liability is in transit, has not arrived.

Commissioner Nix: Do we have a date on this? Is there anyone here to speak to that?

President Musgrave: Does anyone know the date of this?

Madelyn Grayson: Here's the letter.

Commissioner Nix: I would like to make a request that we table this until—

Ted C. Ziemer, Jr.: Steve Craig was here. Did he leave?

Commissioner Tornatta: July 6<sup>th</sup> until noon on Sunday, July 8<sup>th</sup>.

Commissioner Nix: I would like to see someone from this group to show up for a meeting and ask some questions. I think it would be appropriate that we do that.

Commissioner Tornatta: I'll second your motion to table.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Marissa, if you could contact them please and let them know that we would like to see them at the next meeting of their convenience.

**Bob's Gym: Request to Close Road for Race**

President Musgrave: We also have a request from Bob's Gym, for the, I believe, the second year to close their road for a race. We have the liability certificate in hand for that one. Is there a motion?

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Just for the record, so, we've seen this last year and it worked out okay. I just think that if we're going to do these on a year-to-year basis, we need to at least have the people come in and explain what they're doing—

President Musgrave: Okay.

Commissioner Nix: —and the reason for it. Thank you.

<b>County Engineer</b>
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President Musgrave: Alright, department head reports. The County Engineer has an extensive list of reports. Mr. John Stoll?

John Stoll: The first item that I have is to request your approval to increase the offer on the Hutchinson right-of-way parcel on the Green River-Millersburg project by \$1,121. This would be to cover a fence relocation cost. The original appraisal just had an estimate, while the property owner provided an actual contractor's estimate. So, I would request your approval. That should close out and secure that parcel.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like your approval to go ahead and make an offer on parcel 14 on the Green River-Millersburg project. This is owned by Purdue, and the amount, based on the appraisal, is \$13,400.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next right-of-way offer is on the Green River Road project. This is for parcel two owned by Floyd Staub Incorporated, and the amount is \$23,900.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I would like to request approval to go to County Council to transfer \$3,500 from our Koressel Road Bridge account to our Cumulative Bridge Legal accounts. The Koressel Road project is finished, so we won't need any additional funds in that account.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then, next, I have a change order on the Schmuck Road culvert replacement project. This is for an increase of \$7,861.61. The primary reason for the increase was due to poor soil conditions, the project limits were expanded, which in turn increased the asphalt and stone quantities.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item is a supplemental agreement with Clark Dietz for the Green River-Millersburg project. This is for an increase of \$24,300. This agreement was originally approved by you back in January for me to send to INDOT for their review and final approval. INDOT has now given it's final approval to the contract, so, it's ready for your signatures. Basically, this contract will have the plans redesigned to properly match up with the Bernardin Lochmueller segment of Green River between Heckel and Millersburg.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

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

President Musgrave: I don't have any questions.

John Stoll: Okay, thanks.

President Musgrave: Are there any other department heads who have any reports?  
Mr. Ziemer, do you have anything?

Ted C. Ziemer, Jr.: No, Ma'am, I do not.

**New Business**

President Musgrave: Alright, we move now to new business. Is there any new business?

**Old Business**

President Musgrave: Any old business?

Commissioner Tornatta: I do have a question real quick. John, if you could oblige? I've had several calls on the Bergdolt Road project. Could you just give a brief idea of some of the things that are going on, and potentially what we're looking at with that project versus the Green River Road project, the timing and what have you?

John Stoll: Right now, since the right-of-way contract got approved today, the right-of-way purchasing will start here soon. As soon as the appraisal work is finished we'll get the offers out to all of the affected owners. I believe there were only nine or ten parcels we have to acquire from out there on that project. So, hopefully, it will go reasonably quick. In the event we can't make it happen to where the project gets out for bid and gets finished prior to Green River, what we were looking at was putting up a temporary traffic signal. We should know, once the right-of-way starts how well that will work, as far as getting the true project done, versus having to go with potentially a temporary traffic signal. But, the intent is to get a traffic signal up, in some manner before Green River starts.

Commissioner Tornatta: So, would we install that traffic signal as it would be once the development is done? Once the project is done? Or, will they have to be reconstituted in some way, shape or form?

John Stoll: Ideally, we'll put it in and it could stay. Like we get the new foundations and the new poles in for the signal, and that would be part of the widening project. INDOT has given a tentative okay on that. I just got an e-mail from them in the last couple of days that said, they said that sounded workable. I still don't have all the details on how to make that happen. If that doesn't happen, then we would have to go with all temporary, which would come back out again. We don't want to go that route. Ideally, anything we do now would count towards the local match on the federal aid project. So, a couple of different options there. It's, probably the biggest obstacle we'll have in regard to all of it would be the utilities that are on the west side of the road. There's quite a number of overhead utilities to deal with there, and how well we can get signal poles, whether permanent or temporary, will be the big issue. But, that's all being looked at, and we'll have a game plan on that here—



Commissioner Tornatta: As a normal process, how long do you think this will take from start to finish? Then, when will the Green River Road process start, in your opinion?

John Stoll: Right now, on Green River things still look like it would be on target for putting it out for bid next January. We haven't hit any roadblocks on that, as of yet. It will still hinge on right-of-way acquisition more than anything else. But, things are progressing with the environmental side of it, the mitigation sites, and things like that. So, assuming right-of-way goes as planned, January still looks to be a good bidding date. As far as Oak Hill and Bergdolt, the right-of-way, if it was secured quickly, given the fact there's only a few parcels, we might be able to get that done, but, I would say that's unlikely, which would then go towards the temporary signal, as opposed to the permanent project. We should have a handle on that here over the next couple of months once the appraisals are done and the offers are made. If we have to go with a temporary signal, I would say by July we would have to get a design started so that we could get it installed sometime by the end of this year.

Commissioner Tornatta: Okay, thank you.

John Stoll: You're welcome.

President Musgrave: Old business, Commissioner Nix?

Commissioner Nix: I guess, there's been, seeing the media here today, I guess, they're wondering about the animal ordinance. There will be a meeting on the 24<sup>th</sup> with the sub-committee to address, and we've received two more e-mails here. Just to kind of bring you up to date, there has really been nothing decided at this point. We're still looking at some different options. I do not, I don't sit on the committee, I'm trying to think who's—

President Musgrave: The Sheriff and our attorney.

Commissioner Nix: And our attorney?

President Musgrave: Ted Ziemer, and a group of interested citizens, but anyone who is interested in assisting the Sheriff in his efforts, I'm certain that he would welcome your calls. So, please go ahead and reach him if you so desire.

Commissioner Nix: If you would like to e-mail, our e-mail address is?

President Musgrave: [Commissioners@vanderburghgov.org](mailto:Commissioners@vanderburghgov.org).

Commissioner Nix: Please, if you've got any input, we would appreciate it before the 24<sup>th</sup>. I think, the plan is to try to get something nailed down on the 24<sup>th</sup> to bring back for a second and final reading some time after the 24<sup>th</sup> of May. So, that's it.

President Musgrave: Even the passage of an ordinance though, I caution folks, will not cause dogs to cease barking. I wish it would. It will cause the ability to call the Sheriff to visit the barking dogs owner, I suppose. But, there will still be activity that you could take on your own, you can consult your own private attorney, and perhaps review your civil litigation options. You can talk to your neighbor. I encourage you to do the talking to the neighbor part first. I wish that the dogs would stop barking as result of a passage of a law, but we will definitely be working toward the day when the ordinance is ready to be voted on. Is there any other old business?

<b>Public Comment</b>
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President Musgrave: Is there any public comment?

<b>Consent Items</b>
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President Musgrave: We have several items on the consent agenda. Is there a motion to approve?

Commissioner Tornatta: Motion to approve the consent items.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Don't we have rezoning?

President Musgrave: We adjourn this and then we do the rezoning.

Commissioner Nix: Okay.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

(The meeting was adjourned at 3:58 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

County Highway (1)	VCCC (2)	Sheriff Office (4)
Burdette Park (11)	Public Defender (3)	Scott Assessor (1)
Health Department (1)		

**Travel Requests:**

Health Department (7)	County Assessor (1)	Legal Aid (1)
Veterans Services (2)	County Engineer (1)	Treasurer (3)

**Commissioners:**

Approval of May 1, 2007 County Commission Meeting Minutes.  
Approval of Settlement Proposed by the Property Owner in Joyce Waters v. Vanderburgh County, Cause No. 87D02-0304-PL-128  
Bernardin Lochmueller: University Parkway: Phases II & III May 2007 Project Update  
Support Letter for CAPE Pursuit of USDA Grant for Low Income Housing  
Bldg. Comm.: Letter IN Dept. Of Homeland Security: Mobile/Manufactured Homes  
EPD: Waiver of Fees/Not OT: Centre: May 11-12, 2007  
Indiana Business Diversity Council: Waiver of Fees/Not OT: Centre  
Building Authority: Revised Pay Req. No. 85: Jail Project: \$82,682.70  
Letters Regarding Animal Control Ordinance.(3)  
Letter to Jack Rogers: Relocation of Cross Pointe Boulevard.  
Department Head Meeting Minutes: May 1, 2007.

**County Highway:** Council Call Request.

**Auditor:** A/P Vouchers: May 2007.

**Treasurer:** Year-to-Date Investments.

**County Engineer:** Pay Req. No. 25: Burkhardt-Green River TIF Projects.

**Superior Court:** Surplus Request: 40 Phones.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	David Guerrettaz	Karen Paulin
Mark Acker	Debbie Spalding	Gary Heck
John Stoll	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
MAY 22, 2007**

The Vanderburgh County Board of Commissioners met in session this 22<sup>nd</sup> day of May, 2007 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 May 22, 2007 meeting of the Board of Commissioners of Vanderburgh County. It is approximately 3:30 in the afternoon on Tuesday. 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, Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

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.)

**Recognition of Gary Hohman:  
Retiring Assistant Manager of Burdette Park**

President Musgrave: The first item that we have on today's agenda is the recognition of Gary Hohman, who is the retiring Assistant Manager at Burdette Park. Gary, if you could come forward and tell us a little bit about how long you've been at the park, and what you plan to do in your retirement.

Gary Hohman: You may not really want to know. I've been at Burdette nine years. I've enjoyed every minute of it. There are a tremendous number of people that I need to thank. This existing Commission for the support that they have given over the years, and the previous Commissioners that I have worked under. I would like for you to know that there is a tremendous staff and management at Burdette. I haven't worked in 40 some odd years in recreation with a group that is as sincere as they are.

President Musgrave: I know that they are going to miss you so very much. I think that you've made the park a wonderful place, and, like you said, you have a great team to work with. But, it is beautiful and so relaxing to go there, and I think a lot of that is due to the care and effort that you've put into it.

Gary Hohman: I would definitely like to challenge not only this Commission, but any future Commission to continue their support. You have a tremendous asset. I hope it continues.

President Musgrave: We're going to miss you, Gary.

Commissioner Nix: Congratulations, Gary.

(Applause)

**Economic Development Coalition of Southwestern Indiana Presentation**

President Musgrave: At this time I would like to welcome Mr. Greg Wathen from the Economic Development Coalition of Southwestern Indiana. Mr. Wathen is relatively newly hired. You are here to tell us, as part of our continuing effort to bring forward the boards to which the Commission appoints members and tell us a little bit about the board, what your plans are for the coming year, what your recent successes may be.

Greg Wathen: May be. Thank you, Madam President. I'm really happy to be here, and especially working for the coalition within the four counties. I'm not quite sure what specific questions you want me to answer, and what information you may know or not know about the coalition. But, I thought I would just spend a few moments to tell you a little bit about the coalition and where we're going to be within the next 12 to 18 months. The coalition, as you know, was formed in 2006. We have 63 board members from the four counties. We have 13 executive committee members. What's unique about our organization versus some of the other organizations that you probably hear about, such as the Indy Partnership or the Northeastern Indiana Alliance, is that there's equal representation from each of the counties, regardless of their contribution or their population. That's done, really, in respect to fairness, and to ensure that the organization will continue over time. Our estimated budget, right now on paper, is \$1.2 million a year. We are in the midst of a fund raising campaign, a capital campaign, with one third of that projected to come from the public sector, and the remaining two thirds from the private sector. Currently, we have four staff members. We're probably going to bring on another staff member, but we also have brought in under our umbrella the regional planning organization. You may remember the quad county development corporation, and that is now underneath our organization. Debbie Bennett-Stearsman heads up that side of the business, and, actually is doing quite well. It's really a more self-funding side of the business. We need to bring someone on to our staff to support her efforts. In particular someone who is either certified to manage both state and federal grants, or has the capability to be certified in fairly short order. The differences probably between the coalition and maybe what you might have been asking yourself between GAGE, which is the Growth Alliance for Greater Evansville, I think it is, is that we're really more the umbrella organization, whereas each of the respective counties will have their own separate economic development entity. Vanderburgh County has created GAGE, Gibson County has their economic development organization, Posey County is in the midst of determining exactly what that's going to look like, and Warrick County economic development is handled there as an agency of county government. They're the only one's that I am aware of in the State of Indiana that handles that function in that manner. We're going to be focusing on creating a comprehensive strategic regional approach, and we're going to be implementing the regional brand, more so than each of the individual organizations. One of our primary functions is to manage and distribute information and be as a support mechanism to each and every one of those regional organizations. More importantly, we're going to speak as one regional voice, and help leverage the assets. What we're finding, states, it's certainly been recognized by the Bureau of Economic

Analysis that are not single economic units. In fact, they consider us as an area of economic influence, and our area of economic influence outside of the metropolitan area is actually 24 counties in three states, with a population of nearly 750,000. So, at some point in time, we will probably be a larger organization, at the very least as a marketing organization than just the four counties. In many ways the talents and ideas of those individuals who are located within our four counties are going to be the drivers of our economic success. So many other states and regions are already ahead of us. North Carolina, for example, has a new regional approach that is based on the organization of every county into one of seven regional partnerships. That's how they fund economic development in North Carolina. They are focused on regional opportunities and advantages. Regional partnerships provide a single point of contact for businesses, and they connect the businesses in the community base with community-based officials, private sector allies, and state government. Sometimes what complicates the situation is our political subdivisions. In Indiana, unfortunately, the property tax system, which is where you derive the primary source of your revenue, promotes more competition than cooperation. I think, with the basis of the Economic Development Coalition, and how it's set up, will promote more competition rather than the latter. The Indiana Economic Development Corporation has initiated a new grant program, and it is specifically designed for counties who work in multiples of more than one. So, you must work in at least two counties in order to be the beneficiary of such a grant. Where do we see ourselves in the next 12, and 24, and 36 months? Well, we know that global concerns are, for example, there have been some unsolicited bids for Alcoa in the past. We just heard this morning, as of yesterday, that GE Plastics has been sold. The white goods industry, and companies such as Whirlpool are looking to gain greater profitability and reduce excess manufacturing capacity, impacting potentially local employment. Now, what we know begs the question what we don't know? We can't necessarily design and craft a strategy simply based upon reacting to what's taking place in the market. By coming together as a region we've made a very difficult decision already, to come together and work. That's the really tough part. It's going to be up to all of us to embrace this regional philosophy and do our part. The coalition is actually a pretty good example of how we're going to set aside our social, geographic and political differences to work as one economic development community. Because our success is really less dependent upon what's happening within the global marketplace than what happens in this room, what happens within Vanderburgh County, what happens within the four counties that we call Southwest Indiana. So, the immediate things we're working on, to let you know, hopefully, by the first of June we'll have an RFP out on the street to create a new electronic presence for the coalition, a new web presence. We're going to solicit local vendors, as well as other vendors who specialize in this type of delivery, to look at helping us design a web portal that talks to the markets that we're trying to reach. In most cases, by the time someone has contacted us, they've probably already done their due diligence. They've eliminated many other communities. So, it's important for us that we create this web portal out there that puts the best face forward for our Southwest Indiana community. Part of that is tying into the four different, but distinct, GIS systems that each of the four counties have and possess. We think we might have found a software solution. So, we're going to put that in place by the first of June. By the end of June, hopefully, we will have picked a vendor, and then by sometime in the middle to latter part of September we'll have that presence on the World Wide Web. In addition, we're going to be creating a significant marketing presence for the coalition. Right now, other than business cards and some stationery, we have little. I think there's this perception because we're in the same offices of Vision E or Vision 2000, we have some of the same staff that moved over, that we are much farther along the road of creating this organization than what we are at this point in time. We have a ways to

go. Our work plan is fairly significant for this year, doing the basic kinds of things of putting in place policy that is critical for us to operate as an entity, to being much more far reaching in our marketing strategies. One of the things that we will be doing is that, besides adding just a couple of staff members, we're going to be working with, I would call them executives in residence, or contract specialists, in helping us craft strategies in specific target market areas. For example, bio and life sciences is a critical part of our region, in particular in Vanderburgh County, but it makes little sense to create a strategy to attract and support the bio and life science industry, unless we embrace those individuals in helping us craft that strategy. So, there are probably some individuals out there who are either retired, thinking about retiring from that business, or making a transition from one company to another that we can tap into to provide some expertise, as well as those companies who are currently providing those services, asking them to participate in helping us craft that strategy. So, that's probably where we're going to be in the next 12 to 18 months. There's a lot on our plate. Besides the day in and day out kinds of things we're working on, we are currently though working on projects, economic development projects, in each of the four counties. Some of them are much farther along down the road than others, some are just in their infancy stage. In particular for Gibson County, we're going to be actually helping them develop their strategic plan for their community. So, that's a service we're going to provide them as well. I don't know if there's anything specifically else I could address, or if you have any specific questions that I might be able to address.

Commissioner Nix: You touched on quite a few of them, and I'm very impressed with what I've seen the first, I guess, three or four months this has been in existence. What do you think is the biggest hurdle that you've got to clear to, and I'm not going to say for this thing to grow legs, because it already has, but to take it from where it is right now to the next 12-18 months, and to keep it sustainable?

Greg Wathen: I think the biggest issue, and certainly as I'm talking to the private sector individuals, is funding. The public sector has come to the table. Trust me, they've really come to the table. The private sector is slowly coming to the table. I think part of that is just a function of what's occurred. When the coalition was created about a year ago, there was really a lot of momentum at that point in time, and they were waiting for someone to come into this position. So, there was a period of time, there was a gap—

Commissioner Nix: And, little did we know you were only two counties away.

Greg Wathen: I know two counties away, I know. Well, it was, so there was a gap, and I think because we were slow to the up tick with funding. We have a pretty expansive work plan for this year, and it is all, much of it though is contingent upon funding. So, that's probably, in terms of long term sustain ability. I think part of it too is just having individuals in each of the respective counties begin to develop a level of trust among one another. That certainly is occurring among our executive committee, which is comprised again of equal representation from each of the four counties. There's always this feeling that the big brother, the largest community within the region will sort of, how do I want to put this, would sort of swoop down and sort of, I guess, shepherd the remaining counties in line. That's not really going to take place here. It's a collaborative effort. A big chunk of it, I also believe, is that people need to have faith in the process, that it can actually work. So far it's working. We've been able to work on the AT&T project, that's the first project that we worked on. There's some projects that we know are targeted specifically for Vanderburgh County, for Gibson County, for Warrick County and Posey County. All



of varying levels of investment. I think, once a couple of those hit, if you will, then people will see that this actually can work in a collaborative manner. Then it will be much easier for future success.

Commissioner Tornatta: Greg, one of the things you talked about was you were in the same office as Vision E.

Greg Wathen: Yes.

Commissioner Tornatta: Can you tell us kind of how you're working together with Vision E to get some of the opportunities to come to this area? Then, the second question, I'll just load you up here, you also talked about how you're potentially going to work with in a tri-state area, and then talk about some of the hurdles that you'll have dealing with tri-state, different states with different economic development plans?

Greg Wathen: Well, first, Vision E no longer exists. That morphed into GAGE. So, it's the Vanderburgh County organization is GAGE. The only reason I brought up Vision is that we're physically located in the old Vision offices. So, I think there's this perception that we're sort of Vision because we're, our address didn't change. Working with the individual county organization though, such as GAGE, which is Vanderburgh County's organization, I haven't had an opportunity to work with GAGE as much, I can say right now, mostly I've been working in some of the outlying counties. I can give you an example of how we're working with Gibson County. Right now we're working on a project specifically with Gibson County where we are working in concert with one another as partners. They are the lead on the project, but because we're working with a site selection firm, the site selection firm we're working specifically with them to support those areas that Gibson County does not have the capacity to bring to the table. The three members of our, we divided our organization up into the economic development or project management side, and community development side. Just the three members that we have now on the economic development side, project management, we have over 50 years collective experience in economic development. So, we can bring quite a bit of experience to the table. We see it as a collaborative effort because it's part of marketing. If we would just say, okay, here's the prospect, we're going to hand it off to GAGE, we're going to hand it off to Gibson County or Warrick County and we stopped right there, then we really wouldn't fulfill our marketing obligation, because we don't know what the relationship is between GAGE, and what do they need to fill in the gaps in order to deliver the services that that prospect would need. Whether it's an existing business or a new business. With regard to the tri-state, we currently market, our region has been marketing for quite some time as what they call the Southwest Indiana Development Council. Originally it had gotten up to 16 counties, that each of the counties respectively through their economic development organizations placed money in a marketing pool that we marketed to the world, Southwest Indiana region. We have now, as a region, dropped that down to nine counties, that mirrors the new workforce region that the Indiana Department of Workforce Development has put together. At some point in time, because we comprise four of the nine of those counties, the other five counties are struggling with what should we do, I would say we'll probably have some type of marketing relationship there to market the broader Southwest Indiana region. That being said, with regard to the tri-state, Henderson County is part of our metropolitan area. You can't necessarily, the greatest example I can give you, when a worker is driving up to Gibson County to Toyota, or they're coming to Whirlpool or driving there to Alcoa in Warrick County, I don't think they just sort of stop and say, gosh, I've driven into this other county,

maybe there's some other rules or regulations I need to abide. No one really thinks in those terms. The dollar really doesn't recognize geographic boundaries or has no sense of velocity. So, for us, I think at some point in time we're going to have to embrace it. We just came back from, I was privileged to be on the inter-city visit the Chamber had sponsored to Cincinnati and Northern Kentucky, and what was really, really interesting about it what not so much what was happening in Cincinnati, but was the activity that was going on in Northern Kentucky. The really vibrant side of Cincinnati really is Northern Kentucky at this point. So, how do we make that work for both of us? We share a work force, we share, in many cases common businesses where they have a facility on one side of the river versus the other side of the river. I think we can get through it. I don't think, Commissioner, the real challenge will be so much locally as it will be our states.

Commissioner Tornatta: That kind of brings up the different state initiatives that are out there to bringing business—

Greg Wathen: Yes.

Commissioner Tornatta: —and then how do you work through those initiatives to be fairer to one than the other? I mean, is that a hurdle?

Greg Wathen: Of multi-states? Or, do you mean in terms of multi-counties?

Commissioner Tornatta: I'm probably talking multi-state. Henderson would be—

Greg Wathen: Kentucky's programs are significantly different than Indiana's. I want everybody to know, we're not working over there as of yet. At some point in time we'll probably have some type of relationship.

Commissioner Tornatta: Okay.

Greg Wathen: We would rely upon, if we did develop a relationship, we would certainly rely upon the economic development professionals in those counties to help us through that. Prior to my time in Perry County I spent six years working in economic development in the State of Kentucky, in particular in the City of Louisville. I just happen to be from Southwest Indiana, and Tell City and Perry County are my home. So, it made the transition over here pretty easy. So, I'm very, for the most part I have a pretty good feel for the Kentucky programs. They are different. They are very competitive compared to the Indiana programs, but we can be competitive. You don't always have to shrink the entire gap, you just have to make movement in many cases. The AT&T project was a classic example. When, my third day on the job I flew down to Dallas, Texas and met with the site selector for the AT&T project. After shaking hands and him introducing himself, he pretty much told us what the financial gap was, which was a pretty substantial gap. It was a two million dollar gap that they wanted us as a community to shrink. We didn't shrink that gap, but we certainly made some significant inroads to making it, our package much more competitive. We were competing against Las Cruces, New Mexico for that project, and we won out. They had a much better economic development package on the table than us, but we were, I think, a little more creative.

President Musgrave: Well, thank you, Mr. Wathen, for that update. I would also like to thank you for what a pleasure it is to work with you. I'm helping you with one of those projects, or you're helping me with one of those projects. I can say that as a part time elected official trying to work the way through the process of luring a

company to a site, there is so much that we can do, but then we do rely upon the assistance of your staff, you and your staff and also GAGE. I think that without you, it would perhaps not work nearly as well. So, these organizations are tremendously important to local economic development, and I look forward to working with you in the future as well.

Greg Wathen: Thank you very much.

President Musgrave: Thank you.

**Library Board Update: Mike Russ**

President Musgrave: Another board to which the Commissioners appoint is the Library Board, and I would like to welcome Mr. Mike Russ to give us an update on the Library Board's activities. Welcome.

Mike Russ: Thank you, Madam President. I'm happy to be here on behalf of the Public Library Board of Trustees, and to thank you for this opportunity to update you on the progress, plans and programs of the Evansville-Vanderburgh Public Library system. With me today in the back of the room is Marcia Au, who is Director of the library, and Associate Director, Evelyn Walker. In your packet, among the many items, I'll refer to a few of these, is a list of the Library Board of Trustees, and you'll note that there are seven of us, two Commission appointees, Josh Claybourn and Rolland Eckels. There are two appointed by the County Council, Ted DeVries and William Miller, and then three appointed by the School Board would include Becky Conner, Brenda Scheidler and myself. First, I would like to give you just a quick overview of what our library system really is by pointing out a few things. First of all, we have eight locations county-wide, throughout Vanderburgh County, we have seven day a week service at Central Library. We are open 446 hours to serve the community from all eight locations. We have WiFi and public access computers at all locations in the county. Our facilities are not only award winning, but they are also people and environmentally friendly. The Evansville-Vanderburgh Public Library ranks in the top ten percent of libraries nationally serving populations between 100,000 and 249,999. That is out of the 332 libraries, we rank 25<sup>th</sup> in that category throughout the country. We have, at the library, the Shoah EPL, it's the second largest collection of survivors of the Shoah visual history testimonies in the United States, and the seventh largest collection in the world. These are just a few of the things to take note of when you look at what comprises our public library system. As you all are aware, we have completed a much needed facilities upgrade, including the building of the new Central Library, the new Oaklyn branch, the new North Park branch, and the remodeling and refreshing of all of our other locations. During this long process we were continually amazed and appreciative of the support from our local community. Hundreds of our citizens were involved in this process, and the results that we see today reflect many of their ideas. We've summarized some of the results on materials that you will see in the packets that we've provided for you today. There are many ways that you can look at the benefits of having a modern library system. You have several sheets of statistics that help bear some of these things out. I'll just briefly refer to these. For the accountants among you, or bean counters as sometimes they're called, you can see that there is a return on investment, each dollar in taxes has a return, by the calculations that we use, of \$6.07 in 2006. From a usage standpoint, the EVPL statistical summary from 2003 through 2006 shows an increase in total holdings of almost 950,000, and total circulation of over two and a half million. Along with these statistics are the

programs the library sponsors, all the meetings that take place in the library facilities, the number of meeting rooms that we have, and how many attend those meetings. All these statistics show you that the library is not only very much used, but is also very much appreciated. We also have in your packet announcements of many of the programs that are being held, have been held and will be held in 2007. You'll see that we have a rich variety of programs that appeal to a cross section of our community. One note, all of the design of the brochures, and I hope you take a look at some of those brochures and various pieces of artwork, all of those are done internally by EVPL staff. I would put those up against a lot of the marketing/public relations firms in the area. This just shows you one example of the professionalism and talent of the staff that you'll find throughout our library system. Before I mention some of the new and on-going initiatives of the EVPL, I would like to call your attention to the document in your package that outlines the revenue and expenditures. I'm sure this is something that you folks will hear about from time to time throughout the year. If you'll take a look at this, it shows the expenditures and revenue from 2003 through 2006. I won't go through this or make any comments at this point, but it does show you that we wanted to show you how the library system impacts the taxpayers of Vanderburgh County, and we think, and most taxpayers agree, it's quite a bargain that they get for their money. Finally, I would like to call your attention to some of the new and on-going initiatives of the EVPL. First of all, we're a member of the Early Childhood Development Coalition maintaining a continuing program commitment to early childhood and family literacy. We are a cooperating collection of the foundation center. There's a flyer in your packet with information about what this entails. We're a U.S. Federal document depository. We have expanded our book mobile outreach to neighborhood schools and parks, and you'll see the book mobile at a lot of these locations this summer. There's also a flyer in your packet concerning this. We are establishing a goal center at Central Library as a commitment to area economic development. You were just talking about that with the gentleman who preceded me. The economic development committee of the Indiana library federation is to create, we're working with them to establish the goal center, and their purpose is to create branding to help libraries market their business, entrepreneurial and career development resources. EVPL is planning a goal center for the second floor Central Library. The goal center will be marketed through the Metropolitan Evansville Chamber of Commerce, which is also providing assistance in determining print and electronic resources to be added to the collection. We also have at the Central Library a tech center for public internet access and training. There are 28 computers available for training and use by the public. We will soon have a mobile computer lab at Central Library for training and programming. So, it will make us much more flexible in our usage at that facility. We also are continuing our collaborative effort, we work with a lot of different organizations and groups throughout the community. A few of these are the One Community One Book, the Lottes lecture series, and we just brought Stephen Kiernan in just a couple of weeks ago in cooperation with the Vista Care Foundation. We have the ARP tax help which we work with cooperatively, and the Vanderburgh County Board of Elections Advanced Voting Initiative in the fall of 2007, we work with them also. This is just a brief overview of what we offer the community. I think, as you can see, the Evansville-Vanderburgh Public Library system is truly an asset to this community. To paraphrase Cicero, since I'm an old history teacher, to add a library to a community is to give that community a soul. All of the staff and board of trustees of the Evansville-Vanderburgh Public Library would like to take this opportunity to thank you and the citizens of Vanderburgh County for their continued support of one of the greatest assets that we can offer our citizens.

President Musgrave: Commissioners, are there any questions? I want to thank you all for the update. Also, I met with GAGE and they told me about the economic development partnership that you'll be working with us on, so that you will help us do research, basic research and maybe even specific research when it comes to the specific economic development question that we have relating to a business or a group of businesses here in town. So, I'm really looking forward to that extra dimension to our efforts to grow and develop businesses and attract them here. But, I just want to thank the library just from a personal standpoint for all the great service that you've had over the years, and all the phone calls from me, you know, demanding this, that and the other, and how quickly you get the recordings and documents and everything that I ever need. So, thank you very much. It is a tremendous resource.

Mike Russ: Thank you.

President Musgrave: Thank you.

Madelyn Grayson: Mr. Russ, do you happen to have an extra packet for the record, by any chance?

President Musgrave: Here.

Madelyn Grayson: The Commissioners are going to give me one of theirs. That's fine.

<b>Award Bid VC-53-2007: Veterans Memorial Coliseum Roof Repair</b>
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President Musgrave: We move now on our agenda to award bids. We have a double set, if it's alright with the Commissioners, oh, I'm sorry, we're going to take them separately. VC-53-2007, the Veterans Memorial Coliseum roof repair. Ms. Spalding is here to address that.

Debbie Spalding: Good afternoon. We would like to recommend the award of the Coliseum roof replacement be made to Industrial Contractors. They were the low bidder of the three bidders. They did provide all of the information that was required in the bid.

Commissioner Tornatta: On recommendation, I make a motion to approve ICI.

President Musgrave: And I will second, and note for the record that the County Council appropriated, I think it was \$250,000. The low bid is greater than that, and we will make up the difference in our Riverboat Infrastructure account, so that we can award this bid and get the bid moving. All those in favor? Aye.

Commissioner Tornatta: Aye.

President Musgrave: Abstain?

Commissioner Nix: Aye.

President Musgrave: The motion carries. Thank you.

**Award Bid VC07-05-02: Concrete Repair of Various Roads**

President Musgrave: We move now to VC07-05-02, concrete repair of various roads. Engineer John Stoll is here to address us.

John Stoll: I would like to request that you award this to JBI Construction. It's for the amount of \$421,325. They were the low bidder on the project.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

**Windemere Farms Homeowners Association:  
Request to Close Road for Neighborhood Picnic**

President Musgrave: Next on the agenda is Windemere Farms Homeowners Association, the request to close the road for neighborhood picnic. Louis Green is here to tell us a little bit about this. Go ahead and state your address for the record.

Mark Perfitt: My name is Mark Perfitt. Louis wasn't able to make it. I'm the president of the homeowners association. I live at 2702 Waterstone Drive in Windemere Farms. We have approximately 108 homes in the subdivision, 102 are occupied at this time. We were going to set up a picnic for the neighborhood and requesting to have a small section, approximately 150 yards of Windemere Drive closed off. There's a main entrance coming in from Kansas Road and a secondary entrance coming in off of 57. So, there is both access for the neighborhood picnic. We've requested that the street be closed from noon on Friday for a tent set up that is being put together by True Event Rental. It's a 30 foot by 60 foot tent. Then, that would be removed on Sunday.

President Musgrave: Commissioners, are there any questions?

Commissioner Nix: Just from the standpoint of safety, this tent is in the middle somewhere where an emergency vehicle could get from either side?

Mark Perfitt: Yes.

Commissioner Nix: It's accessible if there's a fire, or if the police need to?

Mark Perfitt: Yes.

Commissioner Nix: Okay, and you're just asking that barricades be put up within 150 yards of either side of this, or 75 yards?

Mark Perfitt: Yes.

Commissioner Nix: Okay.

President Musgrave: And, you won't be damaging the roadway with the tent in anyway?

Mark Perfitt: No, they are actually using 55 gallon drums of water that the tent will attach to to hold it in place, versus stakes.

President Musgrave: Okay.

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Thank you.

Mark Perfitt: Thank you very much.

President Musgrave: Have a nice picnic.

<b>Superior Court: Drug Court Contract with SW IN Mental Health</b>
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President Musgrave: Contracts, agreements and leases, drug court contract between Vanderburgh County and the Southwestern Indiana Mental Health center. This is identical to last year's in every respect except it changes the date.

Commissioner Tornatta: Motion to approve.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Aabel's Park Subdivision Barrett Law Project: Permission to Advertise Public Hearing &amp; Approval of Preliminary Assessment Roll</b>
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President Musgrave: We will now have a public hearing on the preliminary assessment roll for Aabel's Park Subdivision Barrett Law project. Mr. Ziemer, do you have any comments?

Ted C. Ziemer, Jr.: Yes. We have, for the record, a report from John Stoll indicating what the cost of this project will be. The total cost being \$303,985.48. You also have in the record a preliminary assessment roll. There are 41 lots which benefit from the sanitary sewer improvements made through this Barrett Law project, and based on the total cost of \$303,985.48, each lot owner would be assessed for

\$7,414.28. So, you're asked to approve the preliminary assessment roll. Then, if you will, to authorize notice to be given of a public hearing on the preliminary assessment roll, with that hearing to be held at 3:30 p.m. on June 7, 2007. Or, is it June the, what is the date?

Madelyn Grayson: June the 5<sup>th</sup>.

Ted C. Ziemer, Jr.: June the 5<sup>th</sup>, I'm sorry.

President Musgrave: It's June the 5<sup>th</sup>, this meeting here, for the public hearing?

Ted C. Ziemer, Jr.: That is correct.

President Musgrave: Now, we do not need to take any sort of vote on today's announcement of that public hearing, do we?

Ted C. Ziemer, Jr.: We need to vote to authorize the publication of the notice of the hearing, but you do need to vote to approve the preliminary assessment.

President Musgrave: Does that require a roll call?

Ted C. Ziemer, Jr.: No.

President Musgrave: Alright, is there a motion?

Commissioner Tornatta: Motion to approve the assessment.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is that sufficient then, Mr. Ziemer, for all of our legal requirements?

Ted C. Ziemer, Jr.: That does it.

President Musgrave: Thank you. We move now to department head reports, Mr. Ziemer, you're first on the agenda for the—

Commissioner Nix: Excuse me just a second.

Ted C. Ziemer, Jr.: I'm sorry, I guess, we didn't take a vote on approving the advertising of the notice.

Commissioner Tornatta: Approve the advertising of the notice for the June 5, 2007 meeting.

Commissioner Nix: That's in the form of a motion?

Commissioner Tornatta: In the form of a motion.

President Musgrave: All those in favor?



All Commissioners: Aye.

President Musgrave: The motion carries.

<b>Barnes &amp; Thornburg Lobbying Activity Report</b>
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President Musgrave: Mr. Ziemer, the lobbyist activity report?

Ted C. Ziemer, Jr.: Yes, we have received and reviewed the lobbying activity report of Barnes and Thornburg. I've reviewed that and I find it satisfactory for execution from a legal perspective in all respects.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>County Engineer</b>
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President Musgrave: County Engineer, John Stoll, there's several items on your list today.

John Stoll: I have two additional items. The first is the annual operational report for the local road and street fund. That has been prepared by my office and the County Highway Department. It needs your signatures, and then we can forward it on to the state. It's due by June of every year.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That report just outlines the expenditures and revenues as far as road and bridge projects go. The other item that I have is a request to make a change on the Bohannon Estates Barrett Law project. The contractor, which is J.H. Rudolph, has proposed an alternate to the repair method for the streets out there. Basically, instead of using the method that was designed by Andy Easley Engineering, which was excavate out all the bad areas and then recompact rock back in those bad areas, they are proposing to use a company called Base Technologies to pulverize the existing pavement and recompact, blend it all together, the existing asphalt and the existing rock, recompact that and use that as the base for the new road. It will result in no net change to the project cost. It would delete three items; milling, stone patching and geotextiles, and would replace those three items with rehab of the road

bed item. The total of the three items would be replaced would be \$46,228, but in the end there's no net change to the contract value. It will, by going this route, it will prevent us from having any increased quantities of patching due to additional failures once they start doing the repair work out there. So, I would like your approval to have J.H. Rudolph proceed with this method. We have checked references on this company, and they were recommended by County Engineers offices that Pat Seib and my office had made contact with.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: I was just telling Mr. Stoll, I think this is something that we need to look at. If, we feel pretty comfortable that this is going to work, we might on some roads that are deteriorating really bad we could look at for future roadway projects. It's fairly new technology that's out there. So, I think we need to follow up with that. We'll keep a close eye on it.

President Musgrave: When they come to do that, will you let us know?

John Stoll: Sure.

President Musgrave: So, that we can take a look at it. Alright, great. I'm going to pause right now to change the tape.

**(Tape Change)**

<b>County Attorney</b>
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President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, I have one more item. We've been presented today with a proposed grant agreement to be entered into between the County and the Indiana Department of Corrections for a \$1,110,188 grant from the Department of Corrections to the County to be administered by the Vanderburgh County Sheriff's office. The purpose of the grant is for implementing and continuing the Community Corrections program. There are numerous grantee requirements contained in the grant, all of which will be met by the office of the Vanderburgh County Sheriff, as they have been met in the past under a prior grant. We find the grant agreement satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Mr. Ziemer, if you'll turn off your microphone.

Ted C. Ziemer, Jr.: I'll be happy to turn off my light off.

President Musgrave: Alright.

<b>New Business</b>
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President Musgrave: We move now to new business. I would like to ask Sheriff Williams to come forward and perhaps discuss a potential solution, or at least a partial remedy to a problem that we've been having on Burkhardt Road with our new landscaping that was installed, with the help of Burdette Park, in the, we call them the Burkhardt islands. We understand that this has posed quite a challenge to the Knight Township Fire Department.

Eric Williams: It's been our understanding that Knight Township has spent an inordinate amount of time out there putting out small fires in the medians, from people disposing of lit, burning cigarettes. You know, our solution is that we're going to step up our enforcement out there and stop some people out there. The penalty associated with throwing a lit or burning object from your vehicle is a little stiffer than normal littering. We just checked the IC code and it's between \$250 and \$1,000 on the first offense, at the discretion of the judge. So, that's a pretty stiff penalty. So, we're going to make our presence known out there and try and discourage that kind of activity. But, I basically just implore in general, the general public to use trash receptacles and ash trays and things as they were designed to do and not our roads and medians for trash centers.

President Musgrave: Thank you for your efforts on that. We're also looking into the possibility of pulling back the wood chips up further on the slope and putting grassy plants there. The Fire Chief out there, Dale Naylor, has let our staff at Burdette know that he's been in the firefighting business since the early 1980's, I think it was 1981 was it?

Unidentified: '88.

President Musgrave: That's the late '80's, but this problem of mulch catching on fire from people throwing lit cigarettes out their car windows is new to all of us. None of us expected this problem. No one anticipated it in the landscape business. Everyone is quite surprised that this has occurred, and would not have predicted it. So, we are looking into some solutions. Mr. Craig from Burdette will be contacting various vendors to see what the cost of pulling the mulch back and putting in these grassy plants will be. So, we are working toward a solution, but, of course, the real solution is no cigarette butts being thrown flaming out of car windows on the street or anywhere else. Mr. Ziemer, I see you there.

Ted C. Ziemer, Jr.: The Public Defender (Inaudible).

**Public Defender Board Update**

President Musgrave: One thing that apparently we left off our agenda, so, I would like to welcome the Public Defender board. I see Mr. Jeff Devine. Are you the president, sir? Please come forward and report on your board's activities. I know that some of the boards had to rearrange their schedules and weren't able to come on our first day, but, apparently, this is the day we actually invited you.

Jeff Devine: That's right.

President Musgrave: And then we didn't put you on the agenda.

Jeff Devine: And we're here.

President Musgrave: I do apologize.

Jeff Devine: No problem. No problem. We have Steve Owens and David Bunner with me as well. They run our department. As you know, the Public Defender agency represents the indigent persons in Vanderburgh County before the courts. We're here to report some of our achievements over the last year or so, and some of our goals. So, I would like to read through those with you today. The agency has improved the quality of representation afforded to indigent persons in Vanderburgh County through increased professionalism, attorney support staff, and other resources. We've also maintained compliance with the felony case load standards of the Indiana Public Defender Commission, despite a 34 percent increase in cases assigned between 2001 and '06, without significant increases in salaried personnel. We've implemented an in-house CLE program for attorneys at no cost to the county to comply with the Indiana Supreme Court requirements concerning continuing legal education. We've increased deposits to the supplemental Public Defender Fund to help offset the cost of indigent defense due to rising case loads and decreased General Fund budgets. We have participated in the establishment of the Drug Forensic Diversion Court, through the planning phase as well as the provision of the participant advocates for persons admitted to the programs. We have also implemented a three year juvenile court phase in program to bring juvenile court public defenders into compliance with the Indiana Public Defender Commission standards. We've obtained a reimbursement in excess of \$2.7 million, which has been deposited in the Vanderburgh County General Fund. Our goals going forward is to provide an increasingly greater quality of legal representation to indigent persons in an effect, efficient manner. To increase the professionalism and respect for the public defenders and staff, their clients, and the judicial process. To continue to participate in programs that seek alternative means to incarceration, and to secure necessary services for individual clients in an effort to reduce the client base. To implement an objective attorney evaluation program with input from judges, prosecutors, clients, staff and supervisory personnel. To bring misdemeanor public defenders into compliance with the Indiana Public Defender case load standards, and to continue to seek additional funding for the state Public Defense Fund, so that Vanderburgh County receives it's full reimbursement share. Those are our goals going forward. Again, the two gentlemen with me, if you have any questions, we would be more than glad to entertain those. Mr., Commissioner Nix also serves on the board with us, we're pleased to have him with us as well.

President Musgrave: Well, thank you for the update. I'm sorry that you had to wait to give it.

Jeff Devine: No problem. Thank you.

**Old Business**

President Musgrave: Is there any old business?

**Public Comment**

President Musgrave: Is there any public comment?

**Consent Items**

President Musgrave: We have a consent agenda, to which I need to ask that it be amended to include the letter that I received from SMG's president regarding their recent acquisition.

Commissioner Nix: Move approval of the consent agenda.

President Musgrave: With the—

Commissioner Nix: Or consent items, excuse me.

President Musgrave: —recommended—

Commissioner Nix: With the amended SMG letter.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: We are adjourned.

(The meeting was adjourned at 4:20 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the May 15, 2007 Commissioner meeting minutes.  
Evansville ARC April 2007 meeting minutes.  
Letter regarding Animal Control ordinance.  
Surplus Request: Legal Aid: computer monitor.  
IBAP Gatekeeper Monthly Report: April 2007.  
SMG Letter of Acquisition by American Capital.  
Department Head meeting notes: May 15, 2007.

**Employment Changes:**

Burdette Park (18)	Co-Op Ext. (1)	County Highway (1)
Center Assessor (1)	Superior Court (2)	Scott Assessor (2)
VCCC (1)	Pigeon Assessor (1)	Prosecutor (2)
Center Assessor (1)		

**Travel Requests:** Health Department (3)

**County Engineer:** Pay Request No. 26: Burkhardt-Green River TIF Projects.

**Public Defender:** State Public Defender Request for Reimbursement 1/1-3/1/07.

**Purchasing:** Monthly Report: March 2007.

**Auditor:** Barrett Law Lien Releases: Westwood Hills (29) & Oak Hill (1).

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Joe Gries	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Gary Hohman	Greg Wathen
Mike Russ	Debbie Spalding	John Stoll
Mark Perfitt	Jeff Devine	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A. W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JUNE 5, 2007**

The Vanderburgh County Board of Commissioners met in session this 5<sup>th</sup> day of June, 2007 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 meeting of the Board of Commissioners of Vanderburgh County. It's June 5, 2007, and approximately 3:30. 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 Tornatta: Troy Tornatta, 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.)

**Permission to Open Bids: APA-005-2007: Surfacing Materials**

President Musgrave: First item of business is to open the bids APA-005-2007 for surfacing materials. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**Board of Health Update**

President Musgrave: Under action items, we welcome today the Board of Health. Mr. Robert Stayman is here to give a brief update on the Board of Health. As you know this is part of our continuing series of bringing in the boards to which the Commissioners appoint members. Welcome, Mr. Stayman.

Robert Stayman: Thank you, Madam Chairman, members of Commission, esteemed counsel. My name is Bob Stayman. I'm the chairman of the Board of Health of Vanderburgh County. I would note parenthetically, with regard to this first slide, that



a plethora of information that will supplement what's said here is available at our website, [vanderburghgov.org/health](http://vanderburghgov.org/health). This is the national logo promulgated by the National Association of City and County Health Officials. You'll see this from time to time on several of our other slides. The Health Department uses both the logo and the slogan, "Prevent Promote Protect", in its mission statement, which is our next slide. As you can see, our mission is to work with our community partners to promote healthy lifestyles, protect against and prevent the spread of disease, etcetera. This is the current makeup of the Vanderburgh County Board of Health. We note, with some pride, that this board represents 94 years of combined public health service. That includes two new appointments with terms of less than three years. So, long in the tooth maybe is one to describe it, but we like to say experience. It really helps us. The County Board of Health was begun statutorily in 1948. Since that time, all members have been appointed to terms of four years. Appointments are made under the Indiana statutes by the Mayor and the County Commissioners. We receive no compensation. This is our Health Department organizational chart. 68 staff members have a combined total of 821 years of service. So, if you combine that, do the math, with the board we have 915 years of total public health service. In the next series of slides we'll take a closer look at our recent local achievements, two special projects, and talk about our future challenges. This is the thing I'm the most proud of this year, these are the numbers for our county dental clinic. I've got to be honest with you all and say that I never thought this was going to happen. I'd seen too many projects like this come and go. They were great ideas, but this one happened and it happened with the cooperation of the private sector and the public sector. Notice during the time period covered by this slide, as of May 31, we have provided 5,942 dental procedures to 1,358 patients during 2,518 visits. I think that's incredible. It's an incredible asset for the county and the county health. This is our total operating expense report. From the board's perspective, we knew this was the right thing to do, and now we know economically it's the prudent thing to do. Simply put, the county spent \$269,917, and received \$408,760 worth of quality dental services. Dental services that probably would not have been provided but for the start and maintenance of the county dental clinic. Immunizations, this is something we've done as long as I've been on the board, 9,298 doses of vaccine were administered in 2006. Two recent awards from the State Board in recognition of the extraordinary effort of the board and staff for promoting and protecting public health in this community. This is something that won't go away. We're doing our best. We know that the West Nile virus is eradicated, at least in part, by prevention, education and control. Now, we use several methods to control mosquitos, this is an on-going project. Larvae control and breeding site reduction are the two most effective. Here that means monitoring combination sewer catch basins. Here's an example of the GSI grid, or GIS grid that we use to monitor catch basins. We color code the catch basins based on wetness. It's the wetness that provides the problem. As you can see, there are three, some that show three red codes. Those are dry areas. The areas that are yellow, or green and blue, those are areas that are problems, areas that need to be treated. By way of the numbers, in 2006, 544 of these catch basins were inspected, and added to our data base. This brings our catch basin inventory to 2,068. Forty percent of the catch basins in the data base were wet and treatable. This is one of my hot button issues, frankly, state-wide and county-wide issues regarding the childhood obesity are embarrassing. We've got to do something about it. The Health Department needs to be in front of that crusade. Today, just particularly, we highlight something that I've been proud of during my term on the board, and that is the Women's Infant and Children nutrition program, or WIC. WIC nutritional education program provided \$2,450,286 in revenues for this community in 2006. That's to purchase supplemental foods rich in protein, iron, calcium and vitamins to

serve 3,757 individuals. That includes 863 women, 1,259 infants, and 1,635 children. WIC vouchers can be used at any of the 22 certified Vanderburgh County vendors. After 2001 this became one of our main issues, emergency preparedness. We're ready. Through the efforts of our public health coordinator and decision team, our Health Department is better prepared to respond to emergencies that threaten public health. The National Incident Management Systems, or NIMS, is in place in the county. I can state that all the staff and the board members have completed the required NIMS instruction for their position. This system is in place. ICS, the Incident Command System, is the standard on-scene all hazards incident management system, already in use by firefighters, hazmat teams, rescuers, public health and emergency medical teams. The ICS has five major functions, and you can see them denoted on the slide. This situation is in place for your public Health Department. Another problem in Vanderburgh County and state-wide, lack of physical activity. Your Health Department is involved in trying to remedy this problem. The value of increasing physical activity at this point is beyond question. Multiple benefits include preventing many chronic diseases, which basically is what your Health Department is all about. The Evansville in Motion Guide was developed to provide an exercise resource with information on how to get started, safety tips, and easy to read maps that includes distances. Here's the greater Evansville walking site map. Recently a local radio station started a weekly walking program as a public service to their listening audience using this Evansville in Motion as a resource. They plan to use this in their walks. One of the most popular routes is just right downtown here, the Evansville river front. I can see, everyday, from my office, people taking advantage of the beautiful Evansville river front to walk off a lunch, or just go out and get some exercise. This is something new this year, Vanderburgh County as a member of the National Association of Counties, opted to participate in the prescription drug discount program. This is a sample card that's been distributed throughout the county. We distributed 43,700 prescription cards to over 70 distribution sites here in the county. In addition to 44 pharmacies locally, the card is accepted at over 57 nationwide. Couldn't be easier to sign up, there are no forms to complete, you simply go in, pick up the card, and all of a sudden you're eligible for the discounts. Minimum requirement for this card is that you live in this county. Incidentally, you have a handout, we now have a month's report on the use of the discount card, and we're proud to say that the first month resulted in a total savings, you'll see, of \$10,273. I don't have time to get into some of the interesting math that's set out on this printout, but the program already is a success. Tobacco use, we want individuals to live longer, healthier lives. The smoke free ordinance, it was a close run thing, we know that. We're proud of the ordinances that are in place. We have developed an informational website to raise awareness, to assist implementation of the city and county smoke free ordinances. Smoking cessation programs are offered by the Health Department. Mary Jo Borowiecki is in charge, there's her number. Childhood lead poisoning, we educate the community to help prevent diseases like childhood lead poisoning by testing our children in our homes. Frankly, when I first came on the board in '94, I thought, what's the big deal? This is something I'd never heard of. It's a serious problem. It can cause damage to the kidneys, nervous system and brain. It's a problem here in the county. Often lead poisoning goes undetected because initial signs are similar to common cold and flu ailments. The State Department of Health recently located lab equipment which will greatly enhance our ability to test and report blood levels. We screened, in 2006, 4,034 children for lead poisoning. 120 children showed up as lead poisoned. We track and follow up on these cases, and our public health outreach nurses provide case management, and our environmental health specialists provide risk assessments in their home. 15,586 other lab tests, for a total of 19,890. Projects and challenges, two state pilot projects provide us with the opportunity to improve

public health outcomes. We continue to address a major public health challenge, which is reducing the burden of chronic disease. I'm going to have to, I realize I've used up most of my time, so, I'm going to have to cut this short, but I just wanted to tell you about the state-wide informatics program which provides for an exchange of information between these counties. We found that the more information we have, the better we can do our job, and the more useful the public health department can be. I've used up all my time. I will be glad to entertain any questions, if you have any.

President Musgrave: Commissioners, are there any questions? I see no questions. Thank you, Mr. Stayman.

Robert Stayman: Thank you very much for your time.

### **Mobile Home Park Pool Safety Requirements**

President Musgrave: I would like to welcome now Ms. Maria Cavins, the manager of Westbrook Mobile Home Park, who is here to discuss the pool issue that she has experienced at her park, and the help that she asked for, and the response that she received. Welcome, Ms. Cavins.

Maria Cavins: I'm a little nervous, guys. We have 3,200 residents at Westbrook Mobile Home Park. It's a community. It's the size of a small town. I'm the only one out there, well, Joe helps me, the owner, it's not an easy situation to maintain a small town, one person. I'm the thumb, I need fingers, you know. I want to thank the McCutchanville Fire Department, I want to thank Brad Mills from the Area Planning, Scott Mulden, Mary Klaser, they all came out on their, you know, it isn't anybody's job to do this. We kind of found out nobody really has any say. I go to the state, they say, well, it's not the mobile home park state whoever is the inspector. The city says, the Commissioners and everybody wrote letters. Mc Cutchanville Fire Department came out and helped me. The Vanderburgh County Sheriff helped me. It's not an easy task to run a park with 800 mobile homes and 3,000 people. I can't, people come to me and say, oh, Marie, you've done this wonderful job in a year. I didn't do it. I did it, you did it, they did it, we did it. It was an extremely hard job, and a lot of people come up here and complain about things, and I'm just here to thank everybody, because I didn't do it myself, and I couldn't have. So, thank you.

President Musgrave: Thank you. Mr. Mills, from Area Plan, if you could come forward and tell us what the requirements are for pool safety, in terms of the ordinance that affects the county? And, perhaps what we may pursue with regard to the mobile home parks.

Brad Mills: Brad Mills, Area Plan Commission. Yes, for city and Vanderburgh County, the requirement for pools is that if you have any pool that is two foot deep or deeper, or could be filled to two feet, you're required to have a six foot impassable fence that surrounds the pool, and it would be separate from the pool. So, it couldn't go on top of the pool rails for an above ground pool, it would have to be set off from that. All the entrances that would go into that would have to be divided from that. So, this is clearly a safety issue. I was very happy to work with Maria to help resolve this issue for her mobile home park. If there is any questions, we did a news story on it a couple of weeks ago, before Memorial Day and had a lot of calls and comments. So, that's been really great, but we would be happy to come out and

look at your pool, or investigate a neighbor's pool, if you think there's a pool that requires a fence that doesn't have one.

President Musgrave: What is the phone number for your department?

Brad Mills: Our office is 435-5226.

President Musgrave: Okay. Alright, thank you. Commissioners, are there any questions? Good luck, Ms. Cavins with the pool situation. I know that your primary concern is the safety of the children. You relayed to me in a phone conversation the other day that you had seen a number of drownings occur—

Maria Cavins: Well, what had happened—

President Musgrave: Not personally, but—

Maria Cavins: It was over the news, and I had a legal pool, and I came home from the office and I had my five year old granddaughter, and three neighbor children were in our pool, 2,3 and 5 and the mother was nowhere around. It happened to be that day, I believe it was Boonville or somewhere that another child drowned. My granddaughter looked at me and said, Grandma, I want to take my pool down, because I don't want a little baby to drown in my pool. Well, I started to go around with my residents, and, you know, managers are not popular people, so, they kind of were bucking me, you know. It amazed me that my five year old granddaughter could see the danger in this pool, and it was her pool, and she would rather take it down. That's when I reached out to everybody else, because we are private property. It isn't easy for the city or county or state to come in, but I couldn't do it myself. People were kind of well, you know, I'll leave my pool up until I, and when you get a letter from, you know, Brad or somebody, it just kind of helps them bring their attention. Boy, in three days all them pools were down. My major concern out there isn't making money, I'm just the manager, it's to make it a safe, tranquil place for the children and our middle income families in Evansville. Because 90 percent of our families are middle income. This is their home. They can't go anywhere else. So, that's my main concern are the kids. Thank you again.

President Musgrave: Thank you, Maria.

<b>Reading of Bids: APA-005-2007: Surfacing Materials</b>
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President Musgrave: We can read the bids into the record, if you have that ready at this time.

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

President Musgrave: Okay.

Ted C. Ziemer, Jr.: These are bids for various road improvements. E&B Paving Company, cold patch, no bid; hot mix asphalt, \$35.00 a ton, that's for patching; hot mix asphalt for paving, \$39.00 per ton; HMA intermediate per ton, \$35; pot hole patching per ton, \$65; total bid, \$763,100. Gohmann Asphalt, no bid for cold patch; \$42.50 for hot mix asphalt for patching; \$40.25 for hot mix asphalt for paving; \$38 for HMA intermediate per ton; pot hole patching \$100 per ton; total bid, \$816,750. Jerry David, no bid for cold patch; hot mix for patching, \$49.50 per ton; hot mix

asphalt for paving, \$45 per ton; HMA intermediate per ton, \$43; pot hole patch per ton, \$49.50; total cost, \$885, no, \$885,094. J.H. Rudolph, cold patch, no bid; hot mix asphalt for patching, \$50; hot mix asphalt for paving, \$43.50; HMA intermediate, \$41 per ton; pot hole patch per ton, \$80; total bid, \$874,300.

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

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Advertise: APA-017-2007: Pipe Materials and Guard Rails**

President Musgrave: I'm going to ask now for permission to advertise, APA-017-2007, pipe materials and guard rails.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Public Hearing for the Preliminary Assessment Roll:  
Aabel's Park Barrett Law Project**

President Musgrave: We move now to the public hearing on preliminary assessment roll, Aabel's Park Barrett Law project. Mr. Ziemer?

Ted C. Ziemer, Jr.: On....turn it on, turn it off. On May the 16<sup>th</sup>, or excuse me, on June 6, 2006 the board adopted a final resolution confirming the preliminary resolution for the Barrett Law sewer improvements for the Aabel's Lane project. On May 22, 2007, after the work had been completed, the board accepted a preliminary assessment roll for the project. Then, notice was given that a public hearing would be held on the preliminary assessment roll at 3:30 this afternoon. I have a copy of the published notice, which is in correct form. So, it is time to open the public hearing on the preliminary assessment and see if there's anyone that has any comments on that.

President Musgrave: Is there anyone here to comment on this matter? I see no one. Do we adopt the assessment roll?

**Resolution: CO.R-06-07-004:  
Accepting Certain Barrett Law Project Improvements &  
Confirming the Preliminary Assessment Roll Related Matters**

Ted C. Ziemer, Jr.: You have a resolution before you, which would be a resolution of the Commissioners to accept the Barrett Law improvements and confirm the preliminary assessment roll.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: I believe that's a roll call vote?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes as well.

**Resolution: CO.R-06-07-005:  
Authorizing the Issuance of Bonds for Aabel's Park Barrett Law Project**

Ted C. Ziemer, Jr.: Now, you have a second resolution before you, which is CO.R-06-07-005. This is a resolution of the Commissioners authorizing the issuance of bonds for the purpose of providing funds to be applied to pay for this Barrett Law project and the incidental expenses in connection with the project on account of the issuance of the bonds. If you have had an opportunity to review that, it is in form satisfactory for adoption.

President Musgrave: Is there a motion?

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Does this also require a roll call vote?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes.

Ted C. Ziemer, Jr.: Then, just for the information of the board and the public, tomorrow the Auditor will send letters containing installment agreements to all of the lot owners in the project area. The owners have, if they wish, they could pay the entire assessment, the assessment per lot is \$7,414.28. They can pay that, in cash, one lump sum, anytime between now and July the 5<sup>th</sup>. If they do not want to pay the assessment in cash, they can elect to pay it in 10, 20 or 30 years of annual installments. With the letter that's going out from the Auditor tomorrow will be installment agreements that the lot owners can sign instead of making their payment in full. If they are going to pay in full, they'll present themselves to the Auditor's office sometime between now and July the 5<sup>th</sup> for that purpose, otherwise, the agreements must be received by my office, and that's indicated in the agreement, no later than July 5, 2007. If we have not received your cash payment, and do not receive the agreement back by July the 5<sup>th</sup>, you will be deemed to have elected to pay your installment in full, and collection proceedings would start the next day.

President Musgrave: I assume your letters to them outline all of this in detail?

Ted C. Ziemer, Jr.: It does. It does. It does.

President Musgrave: Alright, thank you.

<p><b>City-County 2007 Byrne JAG Program Award Resolution</b> <b>Health Dept: Childhood Lead Poisoning Prevention Grant Renewal</b></p>
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President Musgrave: We move now to contracts, agreements and leases. We have several, the 2007 Byrne justice assistance grant program award, the childhood lead poisoning prevention grant for 2007 and 2008. Is there a motion to accept both?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motions carry.

<p><b>Burdette Park</b></p>
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President Musgrave: We move now to department head reports. Mr. Steve Craig of Burdette has some good news to share with us today.

Ted C. Ziemer, Jr.: I believe we had another agreement.

President Musgrave: Oh, I'm sorry. Please go ahead with that one.

Ted C. Ziemer, Jr.: That is the, let me see here, it's the agreement for allocation of Byrne grant funds between the city and the county. You have that before you. It is satisfactory for execution from a legal perspective.

Commissioner Tornatta: We approved it.

President Musgrave: That was the first one.

Ted C. Ziemer, Jr.: Oh, I'm sorry, then the other one that you have, I'm sorry, is the lead poisoning. Or, did you approve both of them?

President Musgrave: Yes.

Ted C. Ziemer, Jr.: Oh, I thought you just did one. I'm sorry. You're way ahead of me. Thank you.

President Musgrave: Welcome, Mr. Craig.

Steve Craig: Is it my turn?

President Musgrave: Well, for the moment.

Steve Craig: Well, first off I would just like to tell everybody that Burdette Park and Aquatic Center is open for the summer. The aquatic center's hours Monday thru Thursday are 10:00 to 6:00, and on Friday, Saturday and Sunday, they are 10:00 to 7:00. Our batters cage and our miniature golf is open from 10:00 to 8:00 during the week, and then on Friday, Saturday and Sunday it's open 10:00 to 10:00. I want to welcome everybody out there. One thing that I had asked Commissioner Musgrave to read was an e-mail we got. You don't always hear all the good things that happen, but we did get a good e-mail, and I would like her to read that right now.

President Musgrave: Alright, this is from Mr. Steve Skipworth. He has some initials after his name and I'm not sure what they are, but it's NREMT-P. Do you know what that is, Mr. Craig?

Steve Craig: I think it's a professional EMT, but I'm not sure what all the extras are.

President Musgrave: He's from Paducah, Kentucky. He writes:

"My family had the opportunity to visit your aquatic center this past Memorial Day weekend. I would like to tell you of an experience I had while visiting. While sitting in one of the chairs located by the alligator in the wading kids pool, two children evidently got into water that was over their heads. Your lifeguard that day, a young man, immediately saw that they were in trouble, blew his whistle and jumped into the water to effect a rescue. He was able to immediately grab the two children and bring them to the side of the pool, where he was met by the children's scared parents. What impressed me the most was that it was very evident that your employee's had been very well trained, as whistles around the pool were sounded, and other lifeguards and



medical personnel were on the scene in less than a minute. I am employed as a paramedic in Kentucky and see a lot of good, and, unfortunately, some bad responses to people in need of medical attention. Kudos to your staff, as it was very apparent that they knew what they were doing. I for one will be recommending that my friends and family visit your facility when considering a place to take a vacation."

So, I would also like to say thank you to the great staff you have and the great lifeguards. Let them know how much we appreciate that.

Steve Craig: Well, I appreciate that, because, like I said, they don't always get all the credit that they deserve. It is a hard job. It's a very, very important job when you're out there to save people's lives. When they do it, and do a good job, I'm just glad that somebody stepped forward and wrote a positive thing about my kids. I thank you for reading it to the public.

Commissioner Nix: It's good to hear something good every now and then, isn't it?

Steve Craig: Yeah.

Commissioner Nix: Just curious, Steve, have you got vacancies in any of the chalets, anything at all that you can talk about today for this summer? Is everything pretty well booked up?

Steve Craig: Well, we're quite booked, but we do have openings. We have a lot of cancellations where people have emergencies and family things that come up where they can't use it. So, it never hurts to call and see what we do have available. We are busy in the summer with our buildings and our chalets. It just seems like there's always something that opens up, and it's usually due to somebody cancelling and that, but, I would call if I had a need for one of the chalets or one of the buildings.

Commissioner Nix: And that number is?

Steve Craig: It's 812-435-5602.

Commissioner Nix: Okay.

Steve Craig: Our office is open 8:00 to 4:30.

President Musgrave: Thank you.

Steve Craig: Thank you.

<b>County Attorney</b>
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Ted C. Ziemer, Jr.: Madam President, I guess, on the sort of good news about Burdette Park, just under my report as County Attorney, the county was sued by an individual who had been out at Burdette Park and the complaint was for \$100,00. In the course of time we have managed to obtain an offer to settle this complaint for \$20,000, and, we, as County Attorney recommend that settlement to the county. I have, should you decide to approve it, I have a settlement agreement here for execution by the county.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Ted, do you have anything further?

Ted C. Ziemer, Jr.: No.

President Musgrave: Okay.

<b>County Engineer</b>
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President Musgrave: Mr. Stoll, County Engineer.

John Stoll: We received INDOT approval to proceed with making offers on the University Parkway right-of-way purchases. So, I'm here to request approval on the number of purchase offers for that project. This covers basically everything from Upper Mount Vernon to Diamond Avenue. The offers are as follows; parcel one, Herschelman, \$135,500; parcel two, Geiser, \$2,100; parcel three, Mildred Mueller Revocable Trust, \$74,200; parcel four, Colleen Mueller, \$135,400; parcel five, Green, \$22,600; parcel six, Albert Mueller<sup>1</sup>, \$157,400; parcel seven, Sater Family Partnership, \$1,700; parcel eight, Jeannett Rueger, \$18,650; parcel nine, Frederick and Janet Bumb, \$101,000; parcel ten, Albert Mueller<sup>2</sup>, \$57,300; parcel 12, Keith Singer, \$950; parcel 13, Brent and Carol Barnes, \$314,200; parcel 14, Russell and Carol Reising, \$208,100; parcel 15, Terry Kulenkamp, \$4,800; parcel 16, Louis and Helen Fleck, \$1,850; parcel 17, Connie Wilson and Karen Wilson, \$1,050; parcel 19, William and Letitia Boeke, \$213,000; and parcel 20, Albert and Susan Umbach for \$300, which results in a grand total of \$1,450,100. These will all be purchased through federal money. This is 100 percent federal money that the county does pay the costs up front and then requests reimbursement through INDOT. The federal funding obligated to this project was \$1,584,000. So, we're just beneath that, based on these appraised amounts.

President Musgrave: Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

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<sup>1</sup>Ralph Mueller, Power of Attorney.

<sup>2</sup>Ralph Mueller, Power of Attorney.

President Musgrave: Just to remind the public, this is part of the \$4.6 million in earmark and SAFETEA-LU money that was given to the county as grants. I'm sorry, it's wasn't SAFETEA-LU, was it? Yes, it was SAFETEA-LU. That's the, every seven years, I believe—

John Stoll: The Highway Bill.

President Musgrave: —the Transportation Bill out of the U.S. Congress, and the other was part of an earmark. Earmarks last year were all stricken from the federal budget, and this year the process is still moving forward, but I did get an e-mail from the lobbyist that we employ in Washington to assist us in this, and, apparently the House is not including earmarks in the budget that they are sending to the Senate. The Senate, I understand, is considering including them, and, so, there will probably be more activity on this, but these funds were never certain for us. This is the very first time that Vanderburgh County had ever received any money in either of these two types of funds. We are hopeful that we receive more, but with this grant we are buying all of the right-of-way between the end of the road now and Diamond Avenue. I'm very much looking forward to construction starting?

John Stoll: As soon as we get this right-of-way purchased.

President Musgrave: Okay.

John Stoll: Right now a ballpark guess would be sometime, it would be ready for bid sometime in spring of '08 would be a ballpark guess. It all hinges on when the right-of-way is cleared, then additional paperwork has to be submitted to INDOT. There's three to four months lead time between the time that paperwork is submitted to INDOT until the time that it actually shows up on a bid letting. But, hopefully, that will be sometime around the spring of 2008, and that will cover from Upper Mount Vernon to Marx.

President Musgrave: And, this is a new terrain road. I believe that we are purchasing at least one home. Is it just one home?

John Stoll: There are two, I believe.

President Musgrave: Two homes, and this is approximately three miles, or 2.6 miles?

John Stoll: Right, right about three miles.

President Musgrave: Okay, but the rest of it goes through essentially vacant ground.

John Stoll: Right.

President Musgrave: Well, good luck with the offers, and.....we already did. Yeah. Good luck with that. Is there anything further?

John Stoll: That's all I had.

President Musgrave: Okay, thank you.

**Superintendent of County Buildings**

President Musgrave: Ms. Nichoalds, I believe you have something to add.

Marissa Nichoalds: Yes, I just have a letter that we received this afternoon. It's from the Commissioners appointee to the Youth Care Center advisory board. It is an update of their May 24<sup>th</sup> meeting. I would like to submit that for the record.

President Musgrave: Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

**New Business**

President Musgrave: Is there any new business?

**Old Business**

President Musgrave: Is there any old business?

**Public Comment**

President Musgrave: Is there any public comment?

**Consent Items**

President Musgrave: We have a consent agenda, is there a motion to adopt the consent agenda?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: If there's no further business, a motion to adjourn?

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:03 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the May 22, 2007 Commission Meeting Minutes.

Waiver of Fee for the Centre: EPD.

Evansville ARC: April 2007 Report of Activities.

Anthem Fund Balance Agreement.

Animal Control Ordinance Letters/E-Mails.

Department Head Meeting Notes: 5/22/2007.

**Employment Changes:**

Burdette Park (2)	County Clerk (2)	Auditor (2)
Sheriff Office (1)	Public Defender (1)	VCCC (4)
Prosecutor (2)	Circuit Court (2)	Superior Court (1)

**Travel Requests:**

Treasurer (1)	County Clerk (2)	Health Dept. (1)
County Assessor (1)	Commissioners (2)	SWCD (1)

**County Engineer:** Pay Request No. 27: Burkhardt-Green River TIF Projects.

**Weights & Measures:** Monthly Report: 4/15-5/15/2007

**County Clerk:** Monthly Report: April 2007.

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Robert Stayman	Maria Cavins
Brad Mills	Steve Craig	John Stoll
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A. W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JUNE 12, 2007**

The Vanderburgh County Board of Commissioners met in session this 12<sup>th</sup> day of June, 2007 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 meeting for June 12, 2007. It is approximately 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.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

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

(The Pledge of Allegiance was given.)

**Human Relations Commission Presentation**

President Musgrave: Our first item of business is to welcome Professor Robert Dion of UE and Diane Clements to give us an update on a board to which the Commission appoints members, that is the Human Relations Commission. Welcome.

Robert Dion: Thank you very much. Do I need to speak to you this way? Can you hear me?

President Musgrave: You do need to use the microphone.

Robert Dion: Okay, I turn something on?

President Musgrave: It's on.

Robert Dion: Okay, fair enough. My first time to the County Commissioners, so, I hope this goes well. We thank you very much for the invitation. As you said, my name is Dr. Robert Dion from the University of Evansville. For four years I've been the chairperson of the Vanderburgh County-Evansville City Human Relations Commission. I'm joined today by the very able Executive Director of that Commission, Diane Clements. I defer to her all detailed questions, all hard questions, but, I'm just here to say thank you so much for the invitation, the opportunity to share what we do. We are a genuinely county-city organization. This

was created about 59 years ago. We're very proud of that in this community. It was created first as a city body, but it's exactly 25 years ago that our jurisdiction was extended to the county. So, that's a milestone, I think, 25 years of enforcement against complaints of discrimination, not just within the city limits, but all the way to the boundaries of Vanderburgh County. Our main task, everyday, is to investigate complaints of discrimination consistent with federal and state civil rights laws. We've got an ordinance that can be visited by going to [vanderburghgov](http://vanderburghgov.com), so, any citizen can read about the range of our reach. Some of our cases are referred to the Indiana Civil Rights Commission. Some of our cases are referred to the Equal Employment Opportunity Commission. But, it's a good thing, I think, it's a very good thing. It speaks positively about this community that we have a local body who's sole task is to take care of and to manage complaints of discrimination. This seems like a very mundane thing to say, but imagine some poor person who's had difficulty in the work place, or in seeking public accommodation who wants to pursue a complaint, but finds him or herself presented with the chance of going to Chicago or going to Indianapolis to complain about it. That's not a very attractive prospect. But, in this community we have a fully staffed office down on the second floor from here, with very able people, thoughtful, impartial, hard working investigators who will look into it and follow up and make it possible for citizens of this community to respond to and follow up on complaints of discrimination. I said I wasn't going to say that much, and I guess I got excited. If you don't mind, I would like to say a couple of quick things, and then step aside and let the director say a few words. One of the things that's happened in the last few years was a change of leadership when Diane Clements came in four years ago. I'm very proud to say that all sorts of good things are happening. So, it's sensible, I think, for you all to ask to hear what's going on, because good things are happening down on the second floor. We've made some staff changes, we've got some exciting new people in the office, we've computerized, we've streamlined, we've made it better and easier to track cases, we've cleaned out what I think was a regrettable backlog of cases. We did so well that the EEOC gave us an award, gave us recognition of cleaning out what were dozens and dozens of cases that had been sitting around. That's not a good thing. So, we're getting on top of things. We've got exciting new staff. We've revived the practice of having an annual dinner. For the past three years we've had a remarkable turnout downtown, remarkable speakers, noteworthy, first class speakers who've come and talked about the challenges of the 21<sup>st</sup> century and the lessons of the past. This year we're especially excited about having a really exceptional speaker who's committed to come. The number one leading civil rights advocate in America, bar none, and he'll be our keynote speaker on September 14<sup>th</sup>, that's a Friday night. Friday night you may have other obligations, but let me take this opportunity to extend a sincere invitation. It will be worthwhile. There will be hundreds of people there, and I think it will be a good thing for the community. So, we've revived the dinner. We've maintained and encouraged good relations with the consortium of other human relations commissions around the state. In fact, Diane and I and another staff member are going later this month to the state wide meeting in Ft. Wayne. We have a high, and I think well respected state wide profile, because people hear about what we're doing and they respect and honor what we're doing down here in this part of the state. We have very good relations with the EEOC, improving relations, obviously, when they give you an award, that's a good thing. We have very good relations, on-going relations with the Department of Housing and Urban Development. So, the federal government, the state government, the Indiana Civil Rights Commission, under the new leader named by Governor Daniels, all sorts of good things are happening, locally, and we're respected locally, I think, and across the state and even in our relations with the federal government. So, we thank you very much for the opportunity to brag on our accomplishments thus far, and to open



the door to any suggestions, now or otherwise about things that we can do maybe to work together to encourage, not just growth for this community, but growth for all of this community. Because we want, as we move this community forward, we want all people to benefit. In our ordinance it says that our main task is to promote equality of opportunity for all citizens. We've got 11 citizen commissioners who are very conscientious and very dedicated, and who take that very seriously. As we move forward we have to make room for everybody. It's good for everybody when everybody succeeds.

President Musgrave: I did not catch the name of the speaker who will be at the dinner.

Robert Dion: Sure, sure enough. I hesitated to say so, because I'm live on camera, but so far he's committed to coming, and as we know in this community sometimes you have a banquet and you've got a high profile speaker who's an advisor to the President and he backs out at the last minute, and you get what you can. So, but, if you don't mind, I'll be happy to say, it's Wade Henderson.

President Musgrave: Okay.

Robert Dion: Wade Henderson is the Director of the Leadership Conference on Civil Rights. All of the civil rights organizations in America, and all of those organizations that have an interest in civil rights, groups like the United Methodist Church, for example, which is not a civil rights organization, but has a feeling of profound support for civil rights, all of them are members of a consortium in Washington called the Leadership Conference on Civil Rights, and the man who sits on top of all of that is Wade Henderson, a dynamic, young, exciting speaker who's committed to come here September 14<sup>th</sup>.

President Musgrave: September 14<sup>th</sup>, do you know the time and a location?

Robert Dion: Typically it's 7:00, 7:30. It will be in the Courier & Press.

President Musgrave: And what will the cost, about the cost for that be?

Robert Dion: The past three years has always been \$25 a ticket.

President Musgrave: So, it will be around \$25. We'll give the board latitude to raise it if need be.

Robert Dion: Sure. Any questions for me? Or, would you like to hear from the Executive Director?

President Musgrave: Why don't we go ahead and hear from her, and if there are questions we can ask them of you both.

Robert Dion: Thanks very much.

President Musgrave: Welcome, Ms. Clements.

Diane Clements: Thank you. As you can see, we have great leadership. It makes our job really easy, because we can worry about being just worker bees, which is what we do on a day-to-day basis in terms of processing and being the enforcement agent for civil rights laws in our region. The lion's share of the complaints that we

take in at the Human Relations Commission are employment. We're currently processing approximately 152 employment complaints, 12 in the area of housing, and ten in the area of public accommodations, which is a total of approximately 174 complaints. We have three investigators on staff. We also have one secretary, and, of course, myself as Director. But, as Dr. Dion just said, we certainly appreciate your support. We do know that we are providing a great service in our community, so, the work that we do, it truly is a love for all of us that do this on a day-to-day basis. So, thank you again. Dr. Dion did talk about the annual dinner. This is the premier event for the Human Relations Commission, and we certainly hope that you would join us this year. We're excited about Wade Henderson. He's a dynamic speaker. I think that you're in for a treat. One of the things that we have done, we've applied for substantial equivalence with the Department of Housing and Urban Development. We started that process at the end of 2004, and it continues. HUD continues to ask that we make changes in terms of our policies in fair housing, and we're trying to do that so that we can obtain that status of being substantially equivalent to the federal law. So, we'll continue to update you on that, but that will allow us to do some great things in terms of housing. We will stand to receive a capacity building grant from HUD once that process has been completed. Dr. Dion also informed you that we are now a contracted FEPA agency with the EEOC. Four years ago, or three years ago that wasn't the case, we did have to clear out a backlog of cases. Once we did that, we did prove to HUD that we could process cases in the manner that they would like for us to. So, we are now a contracted FEPA agency. That, of course, is a great accomplishment. One of the things that I did when I first came here, is I looked around at some of the agencies state-wide to see what components that they had in place, and I tried to make sure that Evansville had those same components. That was being a paid contracted FEPA agency, and also having a contract with HUD. So, those are the things that I've worked diligently on for the last three years, and it is coming to fruition on both fronts. Another thing that we do is we assist DMD on an analysis of impediments to fair housing choice study. We completed that at the end of 2006, and we were up for update just a few months later. We did complete the update with HUD, and the analysis of impediments to fair housing choices is one of the requirements for CDBG funding, so, we were quite pleased that HUD did also give us a commendation for completing that update as well. Part of that, we decided to include fair housing in the traveling city hall program, we did that on April 24<sup>th</sup>, we provided somewhat of a housing fair, provided information on financial literacy, credit management, down payment assistance, foreclosure prevention, and information for first time home buyers. We hope that we'll continue to provide that in forums that are already existing for community members to come out and get information. One of the things that we would like to do in the future is do more outreach to companies and agencies so that we can prevent complaints. We think that providing information to managers will serve, have the effect of preventing complaints from happening. I think that once managers particularly are educated on what is allowable in the work place, so that they can in turn educate other staff, that we will have a decrease in the numbers of complaints that are filed. We think that we'll be serving the community well by doing that. So, we have, I just came back from an EEOC conference, and there were many questions about that. A lot of agencies would like to do more outreach, but we're just so busy with the enforcement side that we're just hard pressed to try and do more initiatives in terms of outreach. So, one of the tasks for EEOC is to look at how can agencies do more outreach and find time to get out and educate organizations and businesses? So, that's something that's on the radar screen for EEOC, and that's something that we plan to incorporate as soon as possible. So, those are just some of the things that we consider accomplishments. If you have any questions for me, I would be glad to try and answer them.

Commissioner Nix: I do have one. You'd mentioned something around 170 or 175 complaints currently, as we speak?

Diane Clements: Yes, uh-huh.

Commissioner Nix: What's the duration from the time you hear about something till the time it's resolved? Is there an average time that that takes? I'm sure it's all over the place, but is there an average?

Diane Clements: Well, we do like to process cases in the most expedient manner possible, of course.

Commissioner Nix: Sure.

Diane Clements: But, we do have to delay closing cases, sometimes companies put us on hold in terms of getting their position statements back to us. Some of our clients we may lose contact with them for a while, or, so, we do shoot for one year. From the time that they come into the office we would like to have rendered a determination on that case within one year. We think that that's acceptable. Of course, sooner is optimal, but we do want to not keep a case open longer than one year.

President Musgrave: Ms. Clements, you had mentioned your desire for more outreach. Please use this meeting as an opportunity to come forward and inform the public of special programs or initiatives that you have coming your way. You are a city-county agency, and you have every opportunity and right to be here. Other departments do this, so, we welcome you. But, while you're here now, what is your web address and your telephone number?

Diane Clements: Well, we're [evansvillegov.org](http://evansvillegov.org). Of course, we don't have an address that will take us directly to our website, but if you go on the city's site and, you know, scroll down to Human Relations Commission it will take you directly to us. Our number is 436-4927. Again, that's 436-4927.

President Musgrave: Any other questions, Commissioners? Thank you very much for coming.

Diane Clements: Thank you.

President Musgrave: Thank you, Dr. Dion, and I'm sorry I mispronounced your name earlier. Good luck to you and the Commissioners.

<b>Permission to Award APA-005-2007: Surfacing Materials</b>
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President Musgrave: We move now to permission to award APA-005-2007 for surfacing materials. Do I have Ms. Spalding here? Welcome.

Debbie Spalding: Thank you. You have in front of you a bid tabulation from the bids that were opened at the last meeting. Traditionally, I understand that this contract has been awarded to more than one company, depending on where the project is that they're looking for obtaining the surfacing materials for. So, in front of you you have the results of those bids, and our recommendation, based upon my discussion with Mike Duckworth and Ted Ziemer, would be to award to all four companies at the

prices that are given. Just to let you know, E&B Paving is located in Chandler, so, county projects on the far east side, I'm assuming might go to E&B Paving. J.H. Rudolph is located on Green River Road. Gohmann Asphalt is in Haubstadt, so, projects that would be further north, I'm assuming possibly would get their materials from Gohmann Asphalt. Then, Jerry David is located on Hogue Road on the west side.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Ms. Spalding.

**Permission to Advertise: Old Courthouse Wedgewood Room Renovations**

President Musgrave: We are here to ask permission to advertise the Old Courthouse Wedgewood Room renovations. Commissioner Nix, I know you're on that committee, do you have any update?

Commissioner Nix: Yes. We've hired the services of Veazey Parrott Durkin and Shoulders. I don't know if Durkin's still, I think it's all four of them, and Ratio out of Indianapolis to do some design work for the Wedgewood Room and the Old Courthouse. The board, I guess the idea behind this is to complete this project and have a showplace for possible donors down the road. After we get this done it will be something we can rent out. They will be coming back to the board to a sub-committee over the next couple of weeks with plans and specifications, and at that time would like to put it out on the street for bid, and get some contractors involved and get the work completed. Upon completion then we would like to have the public, we'll probably have some kind of a public grand opening, if you will, have the public come in and see this. Basically, what this would be would be what the rest of the Old Courthouse would be upon completion, but it's going to take a lot of money and time to do that. This is the start of that.

President Musgrave: Okay. So, is that in the form of a motion?

Commissioner Nix: That is in the form of a motion.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Close Ridgeway Road: July 3, 2007**

President Musgrave: Is Mr. James Conrad here? I do not see him. He was asking for permission to close Ridgeway Road from Audubon Drive halfway up Ridgeway

Road on July 3<sup>rd</sup> from 5:00 p.m. to midnight. But, I understand that we did not have the certificate of liability insurance. You have not received that either?

Ted C. Ziemer, Jr.: No.

President Musgrave: Well, why don't we just go ahead and table this for this week and give him more time to get that to us.

<b>County Attorney</b>
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President Musgrave: Department head reports, Mr. Ziemer?

Ted C. Ziemer, Jr.: Thank you. I have two items, last year the Commissioners approved a vacation ordinance number V.07-06-001. Les Shively, who was the attorney for the petitioner learned, after the ordinance had been recorded, that there was a typographical error in one of the calls in the legal description was called twice. For that reason he wanted to file a correction, a correction vacation ordinance to simply correct the error. Through conferring with me, we've come up with a form of a correction ordinance, it's identical to the original ordinance, but it contains, it contains a finding indicating that there was an error in the legal description, and this is correcting that error. I recommend, if you wish, that that be approved by the Commissioners.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Do we need to do a roll call vote since that is an ordinance?

Ted C. Ziemer, Jr.: No, because we're not adopting an ordinance, we're simply correcting it. I think that's fine.

President Musgrave: Alright. We move now to engineer, John Stoll.

Ted C. Ziemer, Jr.: Oh, I'm sorry. I do have another one.

President Musgrave: Oh. Hold on, Mr. Stoll.

Ted C. Ziemer, Jr.: This is for Mr. Stoll. John received a request from IDEM that, not really a request, an indication that the county is required to adopt an ordinance regarding illicit discharges into the storm water collection system maintained by the county. John, there were indications from IDEM as to what they would like to see in that ordinance, and in addition to that John reviewed similar ordinances in several other counties and put together some, a preliminary draft of the ordinance, which I reviewed, I made changes to, and then put it in ordinance form. You have it before you today for first reading. It does prescribe certain penalties for failure to comply, and, therefore it will require two readings.

President Musgrave: Is there a motion to adopt the ordinance, I'm sorry, is that the illicit discharge ordinance?

Ted C. Ziemer, Jr.: Yes.

Commissioner Tornatta: First reading?

President Musgrave: On the first reading, or, no, we're just going to vote to accept it on the first reading. There will be a second reading at our meeting.

Ted C. Ziemer, Jr.: Exactly.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And I vote yes. We'll hear anyone who has anything to discuss on that next week. While I still have your attention, Mr. Ziemer—

Ted C. Ziemer, Jr.: You always have my attention, Ms. Musgrave.

President Musgrave: Thank you, Mr. Ziemer. How is the animal control ordinance coming? I know that you've been working diligently with the Sheriff and the rest of the committee on that.

Ted C. Ziemer, Jr.: I'm not sure diligently is the word. We had a meeting of the committee. There were numerous people there to make a presentation. The meeting was chaired by the Sheriff. He is in the process of putting together his view of what the ordinance should read like based upon all the various comments we've received. Then he's going to submit it to me. Or, and the alternative, he and I are going to get together and do that. But, neither of those things has happened yet.

President Musgrave: I would like to encourage you to set a date for that. I know that the public is quite anxious that we get something in place. Perhaps we could have that done maybe by the end of August, if nothing stands in the way of that.

Ted C. Ziemer, Jr.: Mike, are you going to have a presentation for the Commissioners? Or should I go into this other agreement now?

Mike Duckworth: Either way is fine.

Ted C. Ziemer, Jr.: I mean, are you—

Commissioner Nix: You can take care of it.

Ted C. Ziemer, Jr.: The County Garage, or the County Highway Superintendent wishes to do some additional construction at the County Garage in the form of a new training facility, an additional restroom, and an off site salt barn. For that he has obtained some quotes, and he has a quote from Steve Hahn, a professional engineer, to provide the engineering and consulting services for those facilities. I've reviewed the agreement and find it satisfactory for execution from a legal perspective. I have a certificate of insurance naming the county as an additional insured to cover Mr. Hahn should the Commissioners determine to enter into this agreement.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Ziemer, does that conclude your report?

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

President Musgrave: Thank you.

<b>County Engineer</b>
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President Musgrave: Mr. Stoll? Sir, are you Mr. Conrad?

Unidentified: No.

President Musgrave: No? Okay, thank you.

John Stoll: I have one item and that's a change order on the Kuebler Road bridge rehab project. That was contract number VC07-03-01. The change order is for an increase of \$1,940.71. We have sufficient funds in the account to cover the change order. That just covers increases and decreases, minor increases and decreases over 13 different items in the contract.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: That's all you have? Thank you. Are there any other department heads with reports today? I see Mr. Duckworth from the Highway.

**County Highway**

Mike Duckworth: Thank you, Mike Duckworth, County Highway. Just one additional request, and that is we are entertaining looking at a camera system for the underground pipes that would alleviate us from guesswork as to where the depressions and cave ins are, which would save a lot of time and effort and work, and possibly tearing up right-of-way and folks yards and those kinds of things. We're asking for permission to seek bids on that at this time.

Commissioner Nix: Before we move with that, or, I have asked Mr. Duckworth to check with the city, they've got a system that's similar to this, and maybe we could do a little bit of horse trading, if you will.

Mike Duckworth: I'll just have to see how much use they have, how often they use it.

Commissioner Nix: Right.

Mike Duckworth: I know it's with, the Water Department has one, I don't know about the Sewer Department.

Commissioner Nix: But, I would like for you to look at that—

Mike Duckworth: Yeah—

Commissioner Nix: —I'm okay with taking bids, but I just think we need to look at that. If they're only using theirs once a month, we could work something out with them. Some kind of interlocal agreement or something.

Mike Duckworth: Sure.

Commissioner Nix: I move approval that we at least take bids on this.

Commissioner Tornatta: Second.

President Musgrave: I want to make sure that you'll be working with Purchasing on any and all appropriate requirements when you do this bid taking.

Mike Duckworth: Uh-huh.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**New Business**

President Musgrave: The next item on our agenda is an e-mailed compliment that we received for the Highway Department workers. As compliments do not come



across our desk everyday for departments, I'm going to take the trouble to read them into the record when we do get them. So, this is from Mr. Ed, and I'm probably mispronouncing the last name, and I apologize for that, Brunck, on Petersburg Road. Mr. Brunck called to compliment the County Highway, especially Scott Wischer and his crew. Mr. Brunck called the County Highway today, and this was on Tuesday, June 5<sup>th</sup> regarding a tree that was hanging in the street and presented a potential hazard. He said that Scott and his crew were there in less than 45 minutes, and had the problem taken care of immediately. He said he wanted to let the Commissioners know that he thinks the County Highway does a great job.

Mike Duckworth: Well, that was very nice of him to do that. I must preface that by saying that he is not related to any of us in any way. Yeah, we get some compliments and some complaints, but we try to work through all of them, and that was very nice of him to do that. I know the crew would appreciate that.

President Musgrave: Well, thank them for all of us.

Commissioner Nix: Yes, please do, Mike.

Mike Duckworth: Thank you.

President Musgrave: The next item of new business that we have is another NACo, which is the National Association of Counties program. As you know we've implemented already the insurance, not an insurance card that allows folks to save money on prescription drugs that are not covered by an insurance plan, or if they don't have one. But, this one is called the 2007 County ENERGY STAR Change a Light Campaign. It's a two phase program, and it seeks to encourage people to change from this kind of a light bulb, to this kind of a light bulb. The first phase of this campaign will run from July 1<sup>st</sup> to September 13<sup>th</sup> of this year, and it will allow county employees to go to the NACo website and log on and fill out a short form and then print out a coupon for \$3 off one of these new kinds of light bulbs through NACo's partner, which is Office Depot. Then, from October 4<sup>th</sup> through November 30<sup>th</sup>, the entire county will have the opportunity to do the same thing. So, I'm asking your permission to get a memo out to all the county employees now, and then when the time is right, to get a little campaign going for public awareness. Now, they give us some nice facts about these, they say that this uses 1/3 of the energy of a standard incandescent light. This is a standard incandescent light. That they last ten times longer. That they save an average of \$30 or more in energy costs over the lifetime of this bulb, and it prevents 450 pounds of greenhouse gas emissions over the lifetime of the bulb. So, those are all positive things. I know that this NACo program is in cooperation with the National Department of Energy. So, we're getting a lot of encouragement for people to go ahead and switch out light bulbs to this style. Office Depot is committed to giving \$3 coupons.

Ted C. Ziemer, Jr.: What about the wattage, is it the same?

President Musgrave: I can barely read that, but I'm pretty sure that it is. We'll let someone with glasses—

Ted C. Ziemer, Jr.: Does that come in different wattages then?

Commissioner Tornatta: Yes.

Ted C. Ziemer, Jr.: Oh.

Commissioner Nix: This would be a 13 watt, and that's probably a 40 or 60. This is a 60, so—

Commissioner Tornatta: Well, it comes in the wattage.

Commissioner Nix: The same amount of light for—

Commissioner Tornatta: Yes.

Commissioner Nix: Quite a savings.

President Musgrave: And, they look really cool.

Commissioner Nix: Of course, if they're under a shade, hopefully, you won't see it.

President Musgrave: Is there a motion to allow us to take the appropriate notification steps?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. Is there any other new business?

<b>Board Appointments</b>
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President Musgrave: I think this is the right time to talk about the two board appointments that surfaced in between the time the final agenda was written. This one, I apologize, it sat on my desk for a week, the City Department of Urban Forestry is putting together a task force to respond to the threat that Emerald Ash Borer present to city and the county, and they are asking us for an appointee to this board. Steve Craig at Burdette Park would like to be the nominee, and with Gerry Grannon, also from the park, as his alternate.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Tornatta: Just to add to that, those who don't know about the Ash Borer situation, it did start up, I believe it started in Michigan, if I'm not mistaken, and it's moving down through transportation modes, trees and whatever, and Ash trees are the vehicle of choice for these particular bugs. They will kill every Ash tree in an area. The problem with that is it will definitely take the amount of trees clearing out of a whole unit of areas, which would make it, you either have to replace those at some point, or you're going to have trees that fall down and affect other

environmental places, whether it's a group of trees or if you have a nature center or something of that nature. So, it's very important and very significant, and I know the Governor's done some things to try and get people activated into the mode that this could be a very devastating issue. So, although it seems like it's kind of sprung upon us, it could be very serious.

President Musgrave: I want to make sure the record reflects that that term is for one year, so that we can revisit it about this time again next year. Then, the Mayor sent a letter. He is forming a Stadium Advisory Board, and he has asked the Commission to appoint a member. I've talked to Mr. Nix, and Mr. Nix is willing to do that, again for a one year term. For those times that you don't go, I would be happy to serve as your alternate. Is there a motion for that?

Commissioner Tornatta: So moved.

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

All Commissioners: Aye.

President Musgrave: The motion carries. The letter, which I'm sorry I did not bring with me today, discusses the stadium and how it's a, I think it's like a 50 year old facility is what it's called there, suggesting that it may need more repairs than are economically feasible or advisable, and this committee will look into how to approach that problem, repair it, replace it. So, we're happy to have you as our appointee onto that, Mr. Nix.

Commissioner Nix: Thank you.

<b>Old Business</b>
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President Musgrave: Is there any old business?

Commissioner Tornatta: Yeah, I've got a couple of things that, first off, you brought up the NACo, the National Association of Counties, which we're a part of in Vanderburgh County. We did do the prescription drug card, in about two weeks, well, about a week and a half we should have the numbers back for May, okay? But, April, in seven days, and I don't think we mentioned this last time, the participants saved over \$10,000 in a seven day period. It was roughly about \$9, almost \$10 a person. There were 756 cards handed out and utilized. So, it's really great guns. In fact, we are a community that they are watching, because we have moved into that cart so well, and everything's been flawless. They have just made mention that our preparation has been very, it was done in such a way that they want to try and model some of that. So, that's a good thing. My second thing is, we approved the Greenway passage, and maybe the setup of the Greenway passage. I think the County Council has had a little bit of a different course that they would like to look at. We probably need to, at some point, appoint somebody to have a talk with somebody on the Council, starting maybe with the President, and see where we can't go to get that Greenway passage board on the road again.

President Musgrave: I did speak with the Mayor about this last week, and he was intending to call the President of County Council. The requests that came out of Council were essentially requests that the city agreed to. So, pending the outcome of that conversation, perhaps then there will be something to negotiate and plan for.

I know that Mr. Ziemer has been in contact regularly with the Mayor's attorney, I think that's Mr. Winternheimer in this case?

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

President Musgrave: So, I encourage County Council to keep in touch, call me. I know that they've sent some e-mails to you. So, yes, that may come back to us, and I'm looking for a successful resolution of that.

Commissioner Tornatta: Okay, alright.

<b>Consent Items</b>
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President Musgrave: Alright, consent items, we have a list here. Are there any changes, or is there a motion to accept them?

Commissioner Tornatta: Motion to accept the consent items.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:06 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of June 5, 2007 Commission Meeting Minutes.  
Approval of June 12, 2007 Executive Session Summary Minutes.  
IBAP Gatekeeper: Monthly Report & Client Thank You Note.  
Department Head Meeting Notes: June 5, 2007.

**Employment Changes:**

Recorder (1)	Auditor (2)	Burdette Park (1)
Sheriff Office (1)	Co-Op Ext. (1)	Commissioners (1)
County Highway (1)		

**Travel Requests:**

Commissioners (1)	Health Dept. (2)	Knight Assessor (1)
Center Assessor (1)	Perry Assessor (1)	

**County Engineer:** Pay Request No. 28: Burkhardt-Green River TIF Projects.

**Purchasing:** Monthly Report: April 2007.

**Computer Services:** Key Government Finance disbursement (phone system).

**Treasurer:** Monthly Report: April 2007.

**Surplus Letters:**

Building Authority: Miscellaneous Items from Old Jail Kitchen.  
Superior Court: telephones.

**Auditor:** A/P Vouchers: June 2007.

**Department Head Reports:**

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

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Robert Dion	Diane Clements
Debbie Spalding	John Stoll	Mike Duckworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JUNE 19, 2007**

The Vanderburgh County Board of Commissioners met in session this 19<sup>th</sup> day of June, 2007 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 June 19<sup>th</sup> meeting of the Board of Commissioners of Vanderburgh County. It is 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.

President Musgrave: Cheryl Musgrave, 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.)

**Permission to Open Quotes: VC07-06-01:  
Boonville-New Harmony Road Culvert #192 Repair**

President Musgrave: First item on the agenda is the permission to open quotes, VC07-06-01, Boonville-New Harmony Road culvert number 192 repair. I know Ms. Spalding is out today, does anyone have those quotes? Oh, you have the quotes. Alright, we're just going to open the quotes today.

Ted C. Ziemer, Jr.: What, these?

President Musgrave: Those.

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Alright, ready to go?

Commissioner Nix: Move approval.

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

Commissioner Nix: Aye.

President Musgrave: Motion approved.

**Evansville ARC: Quarterly Update**

President Musgrave: Our first action item is to welcome the Evansville ARC, A-R-C, to give their quarterly update. Beth Lowery is here, or, Beth, no.

Commissioner Nix: Mr. Crenshaw.

President Musgrave: Mr. Crenshaw is here. My notes are incorrect. I'm sorry to misidentify you, sir.

Newt Crenshaw: Newt Crenshaw, I'm president of the board at Evansville ARC. Thank you very much for this time. I want to let you know that in the past you've been given updates on different aspects of Evansville ARC, and today we would like to spotlight ARC Industries. As you know, ARC has served individuals with disabilities for over 50 years. ARC Industries began as a work training program in 1963, called McDonald Hopeland, with 34 students. It basically worked during the school year, so, they got summers off. We don't get summers off anymore. We work around the clock. It's a sheltered workshop, and individuals with disabilities have access to a variety of supports to assist them in the workplace, such as nursing and support staff. Flexible scheduling, vocational training and transportation services are benefits that ARC Industries offers its clients. Without these types of supports, these individuals would find it difficult to find paid employment. In 2004, ARC added a 50,000 square foot facility that provides competitive employment to both individuals with and without disabilities. This assembly and packaging facility provides revenue to support the programs at Evansville ARC. ARC Industries now employs over 300 individuals, over 200 of which have some type of disability. I would like to take this special opportunity to introduce to you Patty Davidson, a Special Education instructor at USI and her son, Zach, to tell you more about the impact that ARC Industries has had on their life and family. Thank you.

President Musgrave: Welcome.

Patty Davidson: Good afternoon. Thank you for having us here today. I'm Patty Davidson. This is my son, Zachary. Zachary works at ARC Industries, and maybe he could share a little bit with you about what he does there.

Zachary Davidson: This week we do buckets. I do handles on them. I trace them, and then I do handles on the buckets, but I'm pretty much done for the day. I'm gone for most of the day, and then—

Patty Davidson: Five days.

Zachary Davidson: —five days I work, and I work five days, and I, five days I work.

Patty Davidson: Very hard.

Zachary Davidson: And I work hard, and that's it. I just, you know, okay, thank you. Thank you.

Commissioner Nix: Thank you.

Patty Davidson: We moved here about three years ago. My husband works for Deaconess Hospital. When we were looking at places to relocate, one of the things,



one of the main concerns that we had in coming to Evansville was whether or not there would be services available for our son. It's always a primary concern of ours. He accepted a position at Deaconess Hospital only after we were assured that there were services available for Zach, and that he would be able to be gainfully employed and in an environment that was caring and nurturing. As a Special Ed instructor out at USI, I find that that's exactly what our son, Zach, needs. If it wasn't for the ARC, bottom line is I would not be able to further educate Special Education teachers, and that's what I do now. I'm able to do that only because the ARC is here for us. Zach works five days a week from 8:30 until 1:00, and his schedule allows me to work also. So, we would just, we, it means so much to us to have ARC as a part of our life. We appreciate what they do for us as a family. Thank you.

President Musgrave: Thank you, Mrs. Davidson. Ms. Mangold?

Amy Mangold: Just to wrap up, we want to again say thank you for the support that the county has given to us. If you would ever like anymore information on any of our programs or services, you can visit our website [evansvillearc.org](http://evansvillearc.org), and we always invite everyone for personal tours of our programs and services for people to learn a little bit more about all the services that we have to offer. We, again, thank you very much for all the support that you have given us in the past.

President Musgrave: Thank you for the update.

Commissioner Nix: Just, I guess, just for public information, can one of you speak on the, basically, what all takes place out at ARC Industries, and some of the customers that you guys work with out there? I think that would be helpful.

Deidra Conner: Sure.

Commissioner Nix: Give people a perspective of what goes on out there.

Deidra Conner: Absolutely. ARC Industries provides work opportunities for individuals with developmental disabilities. It is a true life manufacturing facility. We're ISO registered. We're also FDA certified. We do a variety of packaging and assembly work. When Zach referred to the buckets, we have a contract, a long standing contract with Berry Plastics. Berry produces buckets and handles, but they need the handles attached to the buckets. We have a clean room facility where we package baby bottles for moms who are breast feeding. We do a variety of packaging assembly for Ameriquel. We actually work on-site and prepare MRE packages for the military and for humanitarian rations. We do work for Barton Brands out of Owensboro, Kentucky. A wide variety of local companies who contract us for packaging, assembly, simple assembly, those kinds of things. So, it is a true, real life manufacturing environment where people with disabilities, even significant disabilities, have the support, nursing, case management, transportation, so, they can be gainfully employed. We would love to have any, or all of you out for a tour anytime. Do you have any questions for me or our guests?

President Musgrave: Just where is your facility located?

Deidra Conner: The manufacturing facility is located on Kotter Avenue, off of Old Boonville Highway, and then our other adult and children's programs are at 615 West Virginia next to Deaconess Hospital. You can call me, Deidra Conner, or Amy Mangold at 428-4500 for tours or information about programs. Thank you so much.

Commissioner Nix: Thanks.

President Musgrave: Thank you very much.

**Coalition to End Homelessness Update**

President Musgrave: The Coalition to End Homelessness is also here to give their update. This is one of the numerous boards and commissions that the Commissioners appoint members to. We have invited each of those boards to come and tell us a little bit about themselves. Today we are happy to welcome the Coalition on Homelessness.

Luzada Hayes: Thank you. I am Luzada Hayes. I serve as the resource coordinator for Destination Home. I also serve as staff support for the joint city-county Commission on Homelessness. Commissioner Tornatta is currently the chair of that commission. He and the Mayor will rotate that, but Troy will be chair through December. Just wanted, in your packet, to give you a brief update in a short amount of time. One of the major focuses of Destination Home in the early years is to increase promotion and awareness of homelessness, dispel the myths, and to promote the plan itself. So, we've actually established a designated website that individuals are able to access to learn about the strategies and ways that they can get involved. Our plan is actually listed on a national website as well, with the National Alliance to End Homelessness. It's also on the city-county joint website too. We have been contacted by a community, Erie, Pennsylvania, which apparently is very similar to Evansville. They will be sending two representatives down here on July 10<sup>th</sup> to actually interview us, meet with the different committees and coalitions that it takes to not only plan Destination Home, but to implement it, so that they can learn and take back. The primary way they found us was through the website, and she said after scouring the country they decided that they really liked our plan, and felt like we had some similarities that they could really learn from and take back. We've also created a Housing Matters campaign. In your packet you will see a t-shirt order form to promote Housing Matters. Our first attack with this campaign this year was to meet, to attend the legislative Meet Your Legislator sessions that were held, to really promote, there was a state effort to get a designated funding stream for the State Housing Trust Fund. So, that was our first effort with Housing Matters. We are pleased that the state did set aside designated funding. This is the first time that Indiana has designated funding for affordable housing. So, we are very pleased with that. Part of Destination Home strategies are to increase coordination of services. So, last year when I was giving this update, I believe it was Commissioner Nix asked, "How will we know when we have arrived? How will we know that we have ended homelessness?" The Hoosier Management Information System is the way that we will track the numbers. It tells us what services are needed, who is utilizing those services. Your packet is just a brief snapshot for the month of January '07. This cannot be used for publication, because until we reach 75 percent of participation, we can't display these figures as across the community figures. But, it can help us know how many service providers are currently being, utilizing the system, and what some of the stats are. So, you will see that there were, just for that one month, there were 677 unduplicated households that were homeless in Evansville programs, that included folks from Vanderburgh County. So, that information is there. We are working hard to make sure that the data is valid and accurate so that once we hit 75 percent, we can use this data for across the community percentages and demographic examples. Also in your packet is a copy of the discharge policy that has been adopted by the Commission on Homelessness.

The goal of the discharge policy is to ensure that housing options are provided to homeless individuals prior to being discharged from a hospital, foster home, correctional facility, or other publicly funded institutions. This is basically a first step at prevention. If we can keep these folks from being discharged into homelessness, there are much more services that could be offered to them prior to, during the discharge planning process and prior to release. So, we are busy trying to implement that among the various public institutions that that affects. Finally, housing is one of our biggest endeavors, and a major part of Destination Home strategies. We have actually hired a developer from Indianapolis. Partners in Housing has been working in the community, and he is working on a 60 unit first project. This housing will be for singles. We have also submitted a 20 unit family project with the last HUD grant. This was due to HUD on June 15<sup>th</sup>, and the local community applied for \$1.9 million. Of that, \$1.2 million will be set aside for these two housing projects over the next three to five years. So, that's our, that will be the beginning. Until we have housing in place, our numbers will not go down. Finally, we're creating an assessment tool to actually be able to identify families that are at risk of losing their housing, so that intervention can be targeted to those families prior to them falling into homelessness. For our 2007 strategies, most of our strategies are assigned to some group that has said that we'll take that on as part of what we're doing, except the improving coordination and training and economic options. So, that group is still yet to be formed, a committee to work on that. Basically, we have the plan, we have the knowledge, we have the motivation, we have the skill locally to pull this off. The key to the success of Destination Home, of course, is going to be funding. Our success will be measured by the amount of resources that we're able to develop and apply to these strategies. Patty Avery is co-chair of a sub-committee of the Commission on Homelessness, and that's the Homeless Youth Council. So, she's going to tell you just a few things about that particular sub-group, and some of their progress.

Patty Avery: When we began work on the ten year plan, actually, I was just thinking as Luzada was speaking that it's five years ago this August that we had our first meeting. Because of my background of working with the homeless in Europe and South America, I actually represented the Commissioners throughout the development of the plan, and then they donated my staff time to actually write the plan. So, I've been acquainted with the plan since it's beginning. When we prepared it, we realized that we did not have enough information yet to make viable and well grounded recommendations regarding youth homelessness. So, last fall the city-county joint commission determined that it was time to begin to do some research and develop recommendations. So, the Youth Service Bureau executive director, Cynthia Smith, and I agreed to co-chair that effort. We held our first meeting in January, with over 30 representatives of youth serving agencies present. We presented them an overview of our goals. Our goals were to do the research needed, and bring back solid recommendations to the joint city-county commission. We determined that we should divide into three sub-groups; one that would research existing services here in Evansville and Vanderburgh County and look at how they coordinate; we wanted to look at best practices outside of our area; and we wanted to look into how could we educate the community around youth homelessness. At each meeting since that time the committees have shared their updates, shared where they're having trouble getting information, and shared the gaps in services that they're identifying. One of the clearest gaps is that, here in Evansville, we have no drop in center. We have no place that youth who are not in the court system have access to services that can help them if they're displaced from their home. Obviously, we have young people who are in shelters with their families, but for the unaccompanied youth there isn't anything available. Beginning in August we will

meet monthly to ramp up the pace to prepare our recommendations, and we've agreed to have those in the commission's hands by the January 2008 meeting. One piece of the puzzle, as Luzada alluded to is clearly funding. My husband, State Representative Dennis Avery, put in a request for a study committee this summer that would specifically examine the issues around youth homelessness, and look at ways to better leverage the federal funding that's been earmarked for youth homelessness. We just got word this week that that committee has been approved. So, this summer, hopefully, then they will begin to research ways that the State of Indiana can set up programs in localities that will leverage that federal funding and draw it down. Let's see, so, that's where we are. Our committee, as I said, in August will begin meeting monthly. We meet at noon at Old National. You're always welcome to come join us, and listen in on the discussion as we begin to formulate these recommendations that we'll be bringing to you.

Commissioner Tornatta: Patty, I've been to several of these meetings, and it's always astonishing to find out some of the numbers. EVSC has an amount, or number of students that they think could possibly be homeless. Do you have that number?<sup>1</sup>

Patty Avery: Actually, I spoke with Barb Bennett from the School Corp. today, and she gave me permission to share that for this last school year they've documented 340 students throughout the School Corp who experienced homelessness at one point or another. That's about a percent and a half of their student body. Now, you can imagine the implications for these kids when they lose the stability of a home environment, what that can mean to their education. Obviously, that has life long implications. There are studies out there that show how many adults who were homeless first experienced homelessness under the age of 18. It's staggering. That's one of the reasons that addressing this piece of the puzzle is so key, because not only can we address the issues that these young people have, and we've broadened it out from middle school age up to about what would be college age, 22, 23. Because, we all know, anybody who's had kids in that age between 18 & 23, that's a bumpy period even for kids that have a lot of stability. For kids who for whatever reason lack those resources, it's an even bumpier time. So, we're looking at that whole continuum. But, those figures from the School Corporation were very sobering to us.

President Musgrave: Thank you, Mrs. Avery.

Patty Avery: Thank you so much.

President Musgrave: I do have one question for Ms. Hayes. Ms. Hayes? You said that you're in the process of getting some HUD grants—

Luzada Hayes: Yes.

President Musgrave: —to build more, I assume it's called low income housing? Or is it called housing for homeless?

Luzada Hayes: No, it's supportive housing.

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<sup>1</sup>Commissioner Tornatta joined the meeting at 3:38 p.m.

President Musgrave: When do you expect that to be announced? Or, when will you know?

Luzada Hayes: This is part of the HUD Homeless Assistance Funding. Traditionally, they like announcing the awards around Christmastime.

President Musgrave: Okay.

Luzada Hayes: However, this year we did not hear about last year's funding until, I believe it was March.

President Musgrave: Was that federal?

Luzada Hayes: Yes.

President Musgrave: Okay, well, you were lucky to hear in March, I think. So, if things get back on track, we might be looking more at Christmastime?

Luzada Hayes: Correct, and what we applied for for the single project was rental assistance.

President Musgrave: Okay.

Luzada Hayes: The developer is also looking for other sources. It will take a variety of funding sources to be able to develop.

President Musgrave: So, this would be, if I were homeless and I came and got one of these grants, then you would give me money to rent an apartment, an existing apartment?

Luzada Hayes: Well, actually it would be, the 60 units will be under one roof.

President Musgrave: Okay.

Luzada Hayes: Yeah, and it could be that it's, it will be a mixed site, some low income and some homeless. So, all of those details haven't been flushed out. The 20 units for families will be scattered site.

President Musgrave: Alright.

Luzada Hayes: The program would be more of a rental assistance. We have quite a high vacancy rate among our apartments, but the people that need the apartments can't afford what the apartments rent for. So, we have to bridge that gap to be able to maximize housing that already exists.

President Musgrave: Do you already have a location in mind, in general, or specifically?

Luzada Hayes: He's looking at a location, but all of the negotiations are in progress.

President Musgrave: I don't want to let any cats out.

Luzada Hayes: Yeah, thank you. Okay, thank you so much.

President Musgrave: Okay, thank you.

**Central Dispatch Board Update**

President Musgrave: I want to make sure that I have not missed any other board updates. Is there another board here who's looking to give us an update? Sir, Chief Zuber. Welcome. Are you here for Central Dispatch?

Kenneth Zuber: That's correct.

President Musgrave: Well.

Kenneth Zuber: At least I was told to be here.

President Musgrave: We're pleased to have you here.

Kenneth Zuber: Okay, great.

President Musgrave: You're president of the Central Dispatch?

Kenneth Zuber: I am president of the Central Dispatch Board. Madam Director, Jo Ann, is not available. She's experiencing a well deserved vacation. So, I've come in front of this board to speak about the issues and the progresses and the things that we've done out there at Dispatch. I'm very proud of what...once again, Jo Ann would be remiss without telling you that she has a very dedicated and committed staff out there at Dispatch, and they do a wonderful job. But, they also have their challenges that exist out there. One of the greatest challenges will take place next year, and that will be the replacement of the phone system that's out there. It's antiquated, it's old, it's no longer supported. So, next year, it will have to be replaced. So far her and Matt Arvay, Matt Arvay is teaming with her to help us, because, anymore phone systems are so reliant on computer systems. So, Matt Arvay is assisting her. They had been up to Chicago to look at their dispatch center up there, and they are also going up to Indianapolis as well to look at what's available out there. The only two providers that I am aware that are out there are AT&T and Verizon. So, but, it looks like, well, I'm not going to let the cat out of the bag on that one either there in regards to which one would be applicable to provide what we need for our dispatch center. In her 2008 requests for the emergency 911 telephone system, she has put in a request for \$2.69 million. So, really \$2.7 million to replace the telephone system out there. I know we as a board, we did sign one more year of agreement to provide the maintenance agreement on that system for \$75,000. But, obviously, this will be the last year that we will, you know, continue with that, because otherwise what's the sense of paying a maintenance fee on an obsolete and non-supported equipment. So, once again, that's something that that's probably her, the biggest objective of Dispatch is to replace our telephone system out there. Obviously, with your efforts and the city and everything, we have had our new emergency 911 fee, 35 cents of which goes to the county, 35 to the city, and 25 cents, of course, goes to capital improvements. One of the things that we have discovered in regards to, especially in regards to public safety, is the location of our towers. Obviously, we have the one out there at the Dispatch Center, we have one on the east side out by Station Nine, out there on Keystone Avenue. The one, Chief Williams has said that one of the concerns that they have out there as well, at the suburban fire departments on the northern side, is the lack of a north side tower. So, it's one of those things that we've placed emphasis on trying to do some studies in

regards to the coverage of placing a north side tower out there to better help triangulate, I guess, without a better lack of terms, the system, so, we don't have those dead spots for public safety. That would be, a turn key you're looking at about \$725,000 to do that. So, you guess, with your infinite wisdom and things of the way you know how to spend a dollar here and there, and with the capital improvements, hopefully, that's something that it's a goal that's attainable. With that I asked also too that we, she supply some of the volumes that what's been going on out there at Dispatch. In 2006 the CAD activity, the total number of runs that were dispatched was 220,659 runs. That averages to 605 runs a day. So, once again, very significant in regards to the amount of work that those people do out there. Just for reference, back in 1996 they dispatched 149,000 runs, and now we're up to 220,000. So, once again, you can tell that they have a tremendous job, and their volume continues to increase as well. One of the issues that has been on public safety's mind for quite some time, if you're not aware of it, is the Sprint Nextel. I know, Commissioner, we talked about that before. We are finally making headway, we feel, in the Sprint Nextel agreement. Basically, what's going on with that is the transition plan. We have a MACOM EDACS 800 megahertz trunk system. It has 16 channels on it. Well, right now, 13 of those 16 channels are okay in the bandwidth. In other words, they're okay, they are not interrupted. Three of those, however, are in the expanded bandwidth that Nextel is populating. So, it leaves the potential of crosstalk, losing a signal, things of that nature, because we're competing for that bandwidth, for that air space. So, we've put together this transition plan to where we're going to move out of that bandwidth, so we don't put our public safety people at risk. We have partnered with EMR Consulting, basically, that's the firm that has helped us develop that transition plan. They will talk about doing their frequency reconfiguration, the licensing. Then what happens is there's two elements to that in regards to the radios themselves. We have portables, which are the walkie talkies, and then we have the mobiles, which are in the police cars, sheriff's vehicles, fire trucks, and also some of the fire stations as well. Some of those will not be replaced, they will be simply reprogrammed because they are newer technologies, they are adaptable to be able to have the circuitry width inside those programs. So, we can still utilize those. Another added benefit too, through the state we are going to pick up five mutual aid channels too to help us in each one of these radios. But, also, we are going to have to go back and replace probably two thirds of our equipment through this transition plan. The numbers suggest that ones that will have to be reprogrammed, we're looking at about 554, and to be replaced we're looking at 928 units. So, I figured at about \$3,500 each. So, you can understand the significance of this project in regards to what Nextel has to do. So, once we get done with the reprogramming, we'll then come back and start putting our hands on the ones that will actually have to be replaced. Fire engines, police cars will all have to be taken to either Tri-State, take out the old systems, replace with the new one. Also, time that is spent by anybody that's dealing with this program, those are billable hours as well. From my staff on the Fire Department, for Jo Ann's staff out at Dispatch, Sheriff, Evansville Police Department, those are billable hours that will be billed to this transition plan. Then, once we get done with that, we've touched all of the radios, they've been reprogrammed or replaced, then at that point in time what we'll be doing is that we'll be doing some Beta testing to make sure that the system is working. Obviously, they have to go out to Dispatch and retune all their equipment out there and all their consoles out there. Then we're going to do acceptance testing and verify that it works. Then we will finally sign off on the FCC that says that we will accept the Nextel transition plan. Where it stands right now, the last I heard was in a meeting that we had with Mr. Black with the consulting firm, is that Joe Harrison is supposed to be getting a transition document, if not now, anytime soon. So, hopefully, by the end of the summer we will again start seeing the actual equipment

that's coming from Nextel. I know that Motorola is down there in Houston, Texas, they're just sitting there waiting for our order. We are as well. The next, obviously, one of the things that we talked about, as a result of the tornado that we had, due to lack of better terms, the reverse 911. That's the best way to exemplify what the need is. We, as a committee, at the Dispatch Board have done a little research into that. However, we feel that there's got to be a partnering element to that. So, we're hoping in the near future that we will have a meeting that gets all those people, those individuals; public safety, governmental entities, EVSC, that can take benefit of it. The one thing we need to be sure that we tell the community is the fact that in the instance of a tornado, the reverse 911 emergency telephone notification system would not have been of benefit to those folks. However, in the instance that severe weather, things of that nature it could help. Severe snow storm, a boil advisory, school outages, things of that nature, those are the types of situations where we see that that could be of benefit too to communities. As well as for our fire service when we have a mutual aid, excuse me, hazardous material incident, I've got to spit that out, one of those situations there that where if we were to protect and place in a certain area to give them instructions of what they need to do. Once again, that is something else that we're moving on. Then, lastly, as you can see, by the increased volume of the work that the folks out there at the Dispatch Center are doing, they are busting at the seams at that building. So, in the very near future, I know Jo Ann is looking at some design plans in regards to trying to expand that building, because of the grade of work and volume of things that they do out there. Hopefully, too, that within this year, we can also get her a Deputy Director, so that when she has an unfortunate instance like she had with her grandchild here a couple of weeks ago, she can feel like she can leave that Dispatch Center and tend to her family.

President Musgrave: My understanding is the money was approved by City Council, the line item's in place, and you're just lacking approval at the highest city executive level to hire that extra person.

Kenneth Zuber: That may be, but that's one, that's still a goal, and we hope to do that.

President Musgrave: Okay, well, I would be happy to help you in anyway, because we always had a Deputy Director out there before, that was Jo Ann, and then when she took over the Director's spot, suddenly there was no Deputy Director. I feel the way you do, there needs to be one there.

Kenneth Zuber: Sure, sure.

President Musgrave: And the money's in place.

Commissioner Nix: Just a couple of things, if you all are going to move forward with some kind of location for a tower on the north side, we might look at something that the county has access to as far as property and that. I don't know if you've had a chance to look at that at all.

Kenneth Zuber: And, that's one of those things we probably kind of brought up for discussion in that regard of kind of partnering on a tower space, be it a cell phone provider, whatever it is. We could certainly look into that, but one of the things there is if something isn't available within a resource that the county owns that we really don't want that, because we want to be able to have control of that.

Commissioner Nix: Right. That's why I said there could be some—



Kenneth Zuber: At the same time we could also turn around and rent that to a Cingular or someone too.

Commissioner Nix: Right, right.

Kenneth Zuber: Yeah, but, what that entails in regards to the research of how that's all developed in regards to the scope of work, that's beyond me. I just know that's something we're looking at.

Commissioner Nix: Just keep that in mind. I guess, just one other thing, reverse 911, there's somewhat of a myth there that it won't reach anyone, with the technology that's in place right now, with a cell phone. Is that correct? For all practical purposes? I guess, my point is—

Kenneth Zuber: It would be very difficult. Because one of the things you've got to remember is the fact that this is going off a database, and you've got an ever evolving database with mobile phones.

Commissioner Nix: Right, and—

Kenneth Zuber: I'm not aware of a technology.

Commissioner Nix: My point is, that there are a lot of people that use cell phones in their homes anymore. They don't use the normal phone service. So, you know, as this moves ahead, I think that needs to be considered.

Kenneth Zuber: That's correct, which it also is part of our E-911 funds that the fact those are all based off land lines, and, once again, there's been a transition now from land lines to more mobile phones as well. So, that impacts our E-911 fund as well.

Commissioner Tornatta: And that's one of the things that we've been talking about in getting more partners into this. I think, we made a list at one of the meetings in kind of looking at this and seeing how many partners we could pull in of 25 just as quick as we could write them down on paper.

Kenneth Zuber: Sure.

Commissioner Tornatta: So, right now we're trying to get all those people involved, and that's a group that we want to make sure if we get this.

Kenneth Zuber: Yeah, and that part of what it is too, as the Commissioner has reflected, that I think we did have 25, but then as talking to, getting 25 representatives that could sit down and make decisions. I mean, we can sit there and talk about it and have people nod their head, but then they can't make a decision. So, that is something we are moving towards to see, once again, it's got to be one of those public/private endeavors that benefits both sides. I think that's a good amicable way of empowering both government and private industry to help each other.

President Musgrave: Well thank you, Chief. As you know, I've been put on the Integrated Public Safety Commission, and I would love to have your company. I've been to one meeting so far, and while I think I understood what they said, it would sure be nice to have someone from home go with me and listen to all the talks.

Maybe at the next meeting I'll call you, and since you're the president you could drive up there with me, we could attend that meeting. I think it would help a lot to understand which direction the state is going, how they intend to get there and have more input—

Kenneth Zuber: Certainly.

President Musgrave: — from the local level, because I don't think there's anyone else on it from Southwestern Indiana.

Kenneth Zuber: That's correct. Throughout the whole fire service, and as we'll reflect on a lot of times, we're very isolated down here in Southwestern Indiana—

President Musgrave: Right.

Kenneth Zuber: —and anything we can do to represent ourselves, I'm very encouraged by that.

President Musgrave: I'll give you a call.

Kenneth Zuber: Fair enough.

President Musgrave: Alright.

Kenneth Zuber: Thank you.

President Musgrave: Thank you, sir. Sorry that we didn't put you on the printed agenda.

Kenneth Zuber: Well, I got the e-mail.

President Musgrave: I'm glad you got the e-mail. Thank you for coming.

<b>INODOT Memorandum of Understanding: Diamond Ave. Detour</b>
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President Musgrave: Next on our agenda, it says John L. Meyer, Local Projects Coordinator INDOT, however, we are going to welcome our own John Stoll, County Engineer, and he will tell us about INDOT's need for a memorandum of understanding for a Diamond Avenue detour, and he will tell us about the Major Moves project that will keep us off that intersection for awhile.

John Stoll: Right, INDOT has a project to reconstruct Diamond Avenue. As a part of that, they will be closing off the ramps at 41 and Diamond. In conjunction with that, they are going to set up a detour route down First Avenue to the Lloyd Expressway, and then back to 41. So, in conjunction with that, they are crossing the county's First Avenue bridge over Pigeon Creek. That's what necessitates this memorandum of understanding and the detour contract. Basically, they're paying the county for the use of the bridge as the official detour. What they did was calculated for the eight month detour, they figured there would be 10,000 plus cars being detoured, they assigned a dollar value to that, and that was based upon the actual construction costs of the Fulton Avenue bridge brought into today's construction dollars, and through a bunch of multipliers they came up with a dollar value of \$28,500 was the fee for the use of the bridge for the detour. Their

procedures seemed logical to me. I had e-mailed all that to you several weeks ago, and it seemed pretty straight forward and we had valid costs for a very similar bridge there at Fulton Avenue. So, I thought their calculations were correct, and the numbers seemed okay to me. I had the County Attorney review the detour contract and he said that was acceptable. So, INDOT was just requesting that you sign both the memorandum of understanding and the detour contract, then we'll forward everything back to INDOT for all the INDOT signatures and have a final, signed copy for the County Auditor's office at some later date.

Commissioner Nix: Did they stipulate load limits at all in that? I didn't see that anywhere, any kind of width or load limits at all?

John Stoll: No, I would just assume it's legal load since there weren't any.

Commissioner Nix: Just legal only, there wouldn't be necessarily any permit loads or anything like that?

John Stoll: Right. I believe you're correct, though that was not addressed.

President Musgrave: Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Stoll.

John Stoll: Thanks.

<b>Permission to Award Quote for Title Searches</b>
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President Musgrave: Permission to award quotes. Mr. Ziemer, you have the title search services quotes, and you can also read the bids out at this time. This is for 20 year title searches for tax sale parcels. We have a bid, or a quote from Apex Title, which is a subsidiary of Bowers Harrison at \$200 per search. One from Bosse Title for \$245 per search. One from Evansville Titles for \$360 per search, and one from Southwest Indiana Land Title for \$250 per search. The lowest quote is \$200 per search by Apex Title. As it turns out they did the searches for the county last year, being the successful quoter. It's our recommendation that we award the contract for that to Apex Title.

Commissioner Tornatta: So moved.

President Musgrave: I'm trying to cut you all off. Do you want to second?

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Bids for VC07-06-01: Boonville-New Harmony Road Culvert #192 Repair**

President Musgrave: And the bids?

Ted C. Ziemer, Jr.: Yes, we have two bids on the Boonville-New Harmony Road culvert; Deig Brothers, \$38,684; and CCC of Evansville, Inc., \$31,825.34.

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

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Second/Final Reading of Ordinance CO.06-07-007:  
Illicit Discharge Ordinance**

President Musgrave: We move now to the second and final reading of the illicit discharge ordinance, CO.06-07-007. This is a public hearing on this. Is there anyone here that has anything to speak to in regards to this ordinance? Commissioners, do you have any comments? Is there a motion? Mr. Ziemer, if you would turn off your microphone, please.

Ted C. Ziemer, Jr.: I would be happy to.

President Musgrave: Alright, thanks.

Commissioner Nix: Move approval.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Musgrave: And, I vote yes. Thank you.

**Sheriff: Buffer Zone Protection Program Sub-Grant Agreement  
County Highway: Revised Steve Hahn Contract: Engineering Services**

President Musgrave: We move on now to contracts, agreements and leases. We have two contracts, the Sheriff revised buffer zone protection program sub-grant agreement, and there's an exhibit that had to be attached and some other changes. It meets all the requirements. Is there a motion?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We'll pause now so that the secretary can change her tape.

**(Tape change)**

President Musgrave: We have a second revised proposal for engineering services for the storage facility and a training facility, additional restroom and off-site salt barn at the Vanderburgh County Highway Garage. Again, this is just revised to include some specifications that were left off. Everyone has reviewed it. It should be in order.

Mike Duckworth: Yes, it was the fact that the storage facility was omitted.

President Musgrave: Okay, is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you, sir.

**County Highway**

Mike Duckworth: In addition to this, I would ask at this time for permission to accept prices on the training room at the Highway Department facility.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you, sir.

Mike Duckworth: Thank you.

**Permission to Close Ridgeway Road: July 3, 2007**

President Musgrave: We move now to permission to close Ridgeway Road from Auburn Drive half way up Ridgeway Road on July 3<sup>rd</sup> from 5:00 to midnight. We have Mr. Scott Anderson and Mrs. Anderson here.

Scott Anderson: Hello.

President Musgrave: Hi.

Scott Anderson: I think, I guess you guys had met on this a couple of weeks ago, and I spoke with Mr. Ziemer, all we needed really was a certificate of liability. I dropped that off this morning, I didn't know if all you guys had received any of that, but I do have copies for you.

Ted C. Ziemer, Jr.: Could I take a look at it?

Scott Anderson: Sure. It should show on there that the certificate holder is going to be Vanderburgh County.

Ted C. Ziemer, Jr.: It does, and the limits of liability are adequate. Thank you very much.

Scott Anderson: Thank you.

President Musgrave: Commissioners, is there a vote to close that road?

Commissioner Tornatta: I move approval to close the road.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Have a good time at your party and be safe.

Commissioner Nix: Be careful.

Scott Anderson: Thank you.

**County Engineer**

President Musgrave: Department head reports, Mr. Ziemer, we've already read the quotes, and I'm not sure if you have any other business?

Ted C. Ziemer, Jr.: What about, let's see, no, I don't have anything else. Oh, no, we did have, no, that's under the consent agenda. So, I don't have anything.

President Musgrave: Wonderful. Mr. Stoll, are you ready? While he's coming up, are there any other department heads with reports today? Okay, good.

John Stoll: I just have two items. The first is a request for street plan approval for Buckingham Woods Subdivision. That's a proposed subdivision on the east side of Old State Road between Eissler and Mount Pleasant. It's just a couple of cul-de-sac streets. We've reviewed the street plans and would recommend approval subject to any changes that might be required in conjunction with the final drainage approval.

Commissioner Nix: So moved.

Commissioner Tornatta: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The other item was a sidewalk waiver request for Buckingham Woods. I would recommend approval of the waiver.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: That's all you have.

<b>New Business</b>
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President Musgrave: Next on our agenda is new business. Is there any new business?

<b>Old Business</b>
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President Musgrave: Is there any old business?

<b>Public Comment</b>
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President Musgrave: Is there any comment from a member of the public? I see none.

<b>Consent Items</b>
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President Musgrave: We have a consent agenda. Is there a motion to approve the consent agenda.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:15 p.m.)



**CONSENT ITEMS:**

**Employment Changes:**

Sheriff Office (5)	Circuit Court (3)	Pigeon Assessor (2)
VCCC (2)	Burdette Park (5)	Health Department (1)

**Travel Requests:**

County Assessor (1)	Health Department (1)
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**Commissioners:**

Bernardin Lochmueller: University Parkway: Phases II & III Project Update  
Letter from City of Evansville Regarding Old Jail Space.  
Draw Down No. 17: Knight Township Fire Department CDBG Funds.  
Hillcrest/Washington Youth Home Audit.  
Commissioners Letter to Accept Furniture from Hilliard Lyons.  
E-mail to County Council Requesting to Proceed with State Land Purchase.

**Surplus Letters:**

Burdette Park: computers, ice machine, various food preparation machines.  
Health Department: computers, printers, shredders.

**Auditor:** Continuing Disclosure Undertaking Agreement.

**Weights & Measures:** Monthly Report: 3/16-3/15 & Annual Report 6/06-6/07.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Newt Crenshaw	Patty Davidson
Zach Davidson	Amy Mangold	Deidra Conner
Luzada Hayes	Patty Avery	Kenneth Zuber
John Stoll	Mike Duckworth	Scott Anderson
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JUNE 26, 2007**

The Vanderburgh County Board of Commissioners met in session this 26<sup>th</sup> day of June, 2007 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 June 26, 2007 meeting of the Board of Commissioners of Vanderburgh County. It is approximately 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.

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

**Permission to Open Bids: APA-017-2007:  
Guard Rails and Various Culvert Pipe**

President Musgrave: A motion to open the bids APA-017-2007, guard rails and various culvert pipe?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Mr. Ziemer, if you will open the bids please.

**Veterans Services: Plaque Presentation in Memory of  
Robert J. Moran**

President Musgrave: Our first action item, it's a great pleasure to welcome the veterans here from Post 1114. If you'll please come forward, Mr. Acker, and bring your guests with you.

Mark Acker: Good afternoon, Commissioners. It's my proud privilege this afternoon to introduce former Commissioner Robert Willner and former Commissioner Rick Borries. Shirley Cox was to be here, but, unfortunately, could not make it this afternoon. We are here today to honor a veteran, and I'm not going to toot the horn too loud, because as the story was told about Bobby Moran, known as Robert J. Moran, he was a Vietnam veteran, lost both his legs, was severely injured while in the Republic of Vietnam and brought home, went through arduous surgeries, and life was very difficult for him. But, he was the type of individual who could and took life one day at a time, and was a model of an individual who took adversity and turned it into triumph. He is an individual that I learned to respect and then love as a brother veteran, as a good friend. A friend of my family, a friend of the veteran. Bobby was a County Service Officer from 1974 to 1983. I was very proud that he recommended me to be the Assistant Service Officer in 1983 with Mr. Willner, and I won't tell you what Mr. Willner said to me when he interviewed me, but it was poetic, believe me. At this time I would ask Mr. Willner if he would come forth to do this presentation, along with Mr. Borries, if they would like to say a few words about Mr. Moran. Thank you.

President Musgrave: Welcome, Mr. Willner and Mr. Borries.

Commissioner Nix: Commissioners.

President Musgrave: I'm sorry. Commissioner Willner and Commissioner Borries. Do we have like a double quorum here today?

Bob Willner: We would like to thank you for giving us a few minutes to honor Bob Moran. We have a plaque here that we hope the Commissioners would put in an appropriate place so that we don't forget. Bob Moran was a veteran of the Vietnam war, a double amputee, came back and was Veterans Service Officer for Vanderburgh County, he served both Republicans and Democrats, and it didn't matter to him which you were. If you were a veteran, he wanted to help you. Bob was always upbeat. You never saw him down. I'm sure he was sometime, but he never let us see him that way anyhow. After he served Vanderburgh County, he went on to Washington to serve on a National veterans organization, and then on to Florida in the same capacity. So, he worked all his life for the United States, and Vanderburgh County and the veterans. We would like to honor him at this time with a plaque. But, before we do that, if there's anybody else that would like to say a few words, let them do so now.

Rick Borries: Well, I usually don't get the last word. It's good to see all of you. Bob Moran was an American hero. I think that's the best that I can, the best I could say about him. Thank you for allowing us to be here today to present this plaque.

Bob Willner: Thanks, Rick. Before I do this, I want to recognize someone in the audience that knows full well what Bob Moran went through. Sitting in the back, Jess Thurman. Jess was a Korean veteran—

Rick Borries: As you were.

Bob Willner: —as I was, right. He has been in that wheelchair now going on 57 years. What more can you ask of a man? I don't know. So, Jess, thank you, that's all I can say. I want to thank the present Service Officer. When I called him and asked him if we could present a plaque, Mark said, well, I'm awful busy. I said, that's why I asked you to do it, because if you're busy, you'll get the job done. He certainly

did. He got this whole thing together, and I appreciate it. Thanks to you. Here is the plaque, and I want to show everybody. We hope that the present Commissioners put this in a place that the general public eye can see it, and that is so that we shall not forget. Thank you very much and God bless you.

Commissioner Nix: Thank you.

President Musgrave: Thank you very much for coming, and for honoring one of Vanderburgh County's veterans. I think this honor does credit to all of our veterans, whether they are recent veterans, or they've been in a wheelchair for 57 years. As a military brat myself, the veterans are family to me, and I feel a special regard for the efforts of all our military. I do think that this deserves a place of honor. We would like to hang it where you want it to be hung, so that it does the most credit. I understand that you want this to be hung in the Commission office where the public comes in, is that correct?

Mark Acker: Yes, Ma'am.

President Musgrave: Alright. I think that that's perfectly fine. We're very pleased to do so. Thank you for the thoughtfulness that this represents.

Mark Acker: Thank you, Commissioners. One last note, Bobby was laid to rest at Arlington Cemetery on May the 30<sup>th</sup>. So, his place of honor is now forever with those that earned that right in Arlington Cemetery. That's a great honor for this community for a man that served so well, so long, for so many. Thank you.

President Musgrave: Thank you, Mr. Acker.

<b>EMA Advisory Board Update</b>
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President Musgrave: We have next on the agenda the EMA Advisory Board update. We were expecting Keith Kahre, but I understand that we have Sherman Greer here today. This is one of the boards to which the Commission appoints members. As part of our weekly series to give an update on the activities of the board, of the items on their agenda, and perhaps their plans for the upcoming year. So, welcome, Mr. Greer.

Sherman Greer: Mr. Kahre is trying to get cars out of his parking lot now. It's being flooded. It seems like we never can tell what a day is going to bring. What I've got before you is some of the accomplishments that we've made between 2006 and 2007 that the Emergency Management Agency's been involved in. We just now finished up the 2005 grant, working on the 2006 grant, starting on that. We have applied for a hazardous mitigation grant, that's still in the workings. I think something came down that we didn't make the first cut, but we're still looking into that. The mitigation plan, we were the second one in the State of Indiana to have a functional mitigation plan, and we're going back into that because it's time for an update on it. Citizens Corps Council grants, as you can see there, the Community Emergency Response grants, GIS training for the city and county workers, we've been involved in on that. We use our emergency operation center as a computer lab for that. Coordination for emergency response. We've also had some Presidential declarations, in 2006 for flooding. That was a stretch. If you'll remember correctly, it was the farthest north you could go, and the furthest south you could go, and we got put in on that declaration and everything, and that was a lot of hard work from

the Indiana Department of Homeland Security to get that done and everything. But, it really was beneficial to our citizens here that was flooded. We also were under a declaration for the USDA Agricultural Emergency declaration for the freeze that we had at the beginning of the year that caused some problems, and is probably going to have a big effect. This rain is beneficial to us, but some damage has already been done. As you can see there, with the exercises, we just completed the June 19<sup>th</sup> exercise, SONS exercise, along with the Coast Guard and the EPA. We're still getting feedback on that, and getting an after action report put together to put on that. We would like to thank Commissioner Musgrave and Commissioner Tornatta for showing up to that. There again, we've got a cyber exercise, the state assigned us exercises to do this year for District 10, which is made up of 12 counties. They want us to do a cyber exercise. Now, I asked them why a cyber exercise for us? They said, well, it's the most difficult one to do, and we know you guys can pull it off. So, is it an honor? I don't know. But, it's a headache right now to put together a cyber exercise with the 11 other counties. Working hard on that right now. Bird, bird flu? The pandemic flu, we've had teleconferences, we've had a school exercise on that, and we do a quarterly exercise with them as of right now. There again, that's one of those things we don't know if and when it's going to happen. The only other thing, you can see all the other accomplishments that we've done, but the most recent one is when we got our four sirens up, with the one replaced at Stockwell and Morgan. Our first go around on those sirens, we had only, four of them didn't work. We tested them again this last Friday, all five of them worked, plus the other 26 that we have. So, we have 30 sirens within the community that's working. My goal is to get three more of them put up before the end of year. I would like to get that done. I'm pretty sure we can get it done before the end of the year. Any questions?

Commissioner Tornatta: I would just like to kind of make a comment, and that is that a lot of people don't get to see some of the things that go in to preparedness. One of the things that I learned from this SONS exercise was the amount of thought that goes into preparing for an event, and that's why you have these exercises. I think it's a credit to your staff, and those who participated, which there were 80 to 100 in that room when I walked in.

Sherman Greer: Yeah, there was about 75 that were there.

Commissioner Tornatta: Yeah, and, so, I mean, for the general public out there to know that we're going over these exercises for an event that we hope never comes, but, if it does, we hope to be as prepared as possible. We're running through scenarios, and we've talked about many of those things, and just any comments would the exercise that you would like to throw out?

Sherman Greer: Well, I think communications. You know, we were testing three things, three objectives that we had; communications, evacuation, and continuity of government and continuity of operations. I had two County Commissioners and the Mayor to show up, legal counsel to show up from the city and different things like that. That brought it together for continuity of government, continuity of operations and everything. The other thing was the communications, and we run a, the amateur radio people prove to be invaluable for us, you know. When we have a situation like that of a 7.7 earthquake was the scenario, we can't count on cell phones, we can't count on regular telephone lines and things of that sort. So, by having those amateur radio people from counties north of us, way up north of us, radioing in to us, and from Louisville down to Paducah, communicating with each other. There is a way to communicate. What we've got to do is just bring them together a little bit more. Then, the evacuation, we didn't even get started into the evacuation, because

of the scenario that had happened. We didn't know what roads were open. We didn't know what we could do at that time. We didn't set ourselves up for failure, but we set ourselves up for reality into that. SONS started to say, okay, you know, the Red Cross is going to open shelters up, and they were going to do these things, but we couldn't move people at that time because we had no idea what routes to use. So, you know, it was more of a realistic thing than we really realized when we were planning it.

Commissioner Tornatta: One of the things that was brought to mind was actually the amount of time that could go in between an emergency response.

Sherman Greer: Oh, yeah.

Commissioner Tornatta: And as we were going through, there were 12 hours at times before even the assessment, or the windshield assessment of some of the emergency responders.

Sherman Greer: Exactly, because, there again, you know, with 270 some firemen, Sheriff's Department has got, what, 100 people? You've got Public Works and the Highway Department and people out there. It's going to be some time before they can get in. Most of the times they're only going to be able to tell you what they can tell you is right around their own hometown and where they live and everything, I mean the area where they live. So, it takes time to get those things done.

Commissioner Tornatta: And, they've been advised, if I'm not mistaken, to make sure that they're okay and that their families set up first, and then they do their job?

Sherman Greer: Yes, sir. Yes, sir.

President Musgrave: For anyone who may have just begun listening to your presentation, I want to emphasize that you're talking about an exercise.

Sherman Greer: An exercise.

President Musgrave: A game that, you can call it a game—

Sherman Greer: Yes.

President Musgrave: —that was being played.

Sherman Greer: Most definitely.

President Musgrave: The scenario was a 7.7 earthquake.

Sherman Greer: All simulated.

President Musgrave: All simulated. The effects of that earthquake would be devastating and perhaps maybe we wouldn't be able to recover from something like that.

Sherman Greer: We would, but it would take some time. You know, it's just like Katrina right now and everything, I mean, it's going to be years in recovery, you know. The emergency response comes quick, but recovery can take years.

President Musgrave: I think that the point that should be taken home by the folks who are watching or listening is that you ended up with a, it would be 10 days before anyone would come to help you. So, you do need to be prepared, and your family in your own circumstances for 10 days.

Sherman Greer: Yes. Initially we asked for three days. In a situation like this, it's 10 days, at least. At least.

President Musgrave: Okay.

Sherman Greer: Thank you.

President Musgrave: Thank you very much for coming.

<p><b>Reading of Bids for APA-017-2007: Guard Rails and Various Culvert Pipe</b></p>
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President Musgrave: Next on our agenda is to award quotes. Is Debbie Spalding here? I don't see her. Oh, there she is. Debbie, I'm going to ask our County Attorney to read the bids though for APA-017-2007 guard rails and various culvert pipe, if you are ready.

Ted C. Ziemer, Jr.: I am. Actually, we're not going to be able to read very much. We received four sealed bids, one bidder, St. Regis Culvert, Inc. states that they are unable to bid at this time, but they would like to be kept on the list. Three other bidders have bid various amounts for various kinds of pipe, culvert and so forth that were specified. Rather than, I can tell you that M & W Concrete Pipe and Supply Company appears to have bid on each item, but various amounts for each item. Tri-State Fence Company appears to have bid on, oh, the ten gage guard rail, 12 gage guard rail, 12 gage guard rail end sections, terminal end sections, but not the aluminum culvert pipe, pre-coated galvanized steel culvert pipe. Then, CPI Supply Company has submitted pages of dollar quotes for various kinds of piping that was specified, and I think you don't want to take the time for me to try to read all of this into the record. They were all just opened. They are all a matter of public record for anybody who wishes to to inspect. My recommendation would be that we, that you take the bids under advisement, and let them be reviewed by Mr. Stoll.

Commissioner Tornatta: I move to take the bids under advisement and let them be reviewed by Mr. Stoll.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.



**Award Quotes: VC07-06-01:  
Boonville-New Harmony Road Culvert #192 Repair**

President Musgrave: And, now, I'm sorry, Ms. Spalding, it's not you who will address the awarding quotes for VC07-06-01, Boonville-New Harmony Road culvert number 192 repair, it's Mr. Stoll, County Engineer.

John Stoll: I would request that that be awarded to CCC of Evansville for the amount of \$31,825.46. CCC gave us the low quote on the project.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: Tell Ted to turn his microphone off. All those in favor?

All Commissioners: Aye.

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

**County Engineer: ESRI Maintenance Quote**

President Musgrave: We go now to contracts, agreements and leases. There's an ESRI maintenance agreement, which is the GIS software for the engineer's office. I believe that's the only one today. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**County Attorney**

President Musgrave: Department head reports. Mr. Ziemer, do you have an agreement.

Ted C. Ziemer, Jr.: I don't. John, did you do the DLZ?

Commissioner Nix: Did we have something come through for Weights and Measures?

President Musgrave: Weights and Measures.

Ted C. Ziemer, Jr.: Oh, I thought we did that.

Commissioner Nix: No, we haven't done that one yet. It seemed like there was two, Weights and Measures and one other one.

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

President Musgrave: Turn your microphone on.

Ted C. Ziemer, Jr.: Yeah, I'm sorry. We do have, we have two DS1 agreements, one for the Department of Weights and Measures, and the other one, which is an identical agreement, but it's for WIC, which is Womens Infants and Children Department of the Health Department. Both of them provide for a fee of \$80 a month. What I understand this to mean that these provide for connectivity to the system here in the Civic Center. We find that they are satisfactory for execution from a legal perspective.

Commissioner Tornatta: I would approve the Weights and Measures and the WIC DS1 agreements.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

<b>County Engineer</b>
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President Musgrave: Next, we move to the County Engineer. I understand that you have an agreement for supplemental work on Green River Road, as well as a cover sheet for the plans for the St. George Road bridge rehab.

John Stoll: Right. The supplemental agreement for the Green River Road project is with DLZ. It is for an increase of \$158,700. That covers the cost to change the design of the overflow structures that were mandated through the DNR permit from precast concrete structures to conventional beam type bridges. Based on some estimates that DLZ provided, it will result in a construction cost savings, by switching from the precast to the conventional bridges, of about \$1.1 million. So, it's in the county's best interest, based on their cost estimates to switch these out. This does not result in any time differences as far as them getting the plans done. In the cover letter they said they would still have the final plans done by, I believe it was October 29<sup>th</sup>, if I remember correctly. It won't introduce any additional delays associated with construction, based on what all the soils reports say. The controlling factor on the construction will be the settlement period for all the fill that will be placed out there. So, all in all it sounds like it's a win for the county as far as controlling the cost, and not affecting our construction time. Also, in that same contract, it also covers the design of a deceleration lane for the Pedcor apartments, which we will in turn bill that back to Pedcor, in conjunction with an agreement that you had signed earlier this year. It also covers the design of how to phase the construction based on the settlement periods. That was addressed through the soils surcharging that was an e-mail that I sent to all of you. So, based on all that, I would request that you approve the supplemental agreement.

Commissioner Nix: So moved.

Commissioner Tornatta: I have a question here before I—

President Musgrave: Will you—

Commissioner Tornatta: –second. Second. The one thing I want to make sure is that, I know we're spending 158 additional dollars on the design phase, but the one thing I am concerned about is to make sure that that million dollars is going to be there.<sup>1</sup> Is there any provisions in their contract that that estimate is pretty locked?

John Stoll: The County Attorney and I talked about that earlier today, and there was really no way to make their design contingent on that savings. They're basing that savings just on estimates, and, ultimately, since they can't control what the contractors bid, there was no legal way, based on our discussion, that we could tie the design contract to that figure. They used the best available data to come up with their estimate, but as far as being able to mandate that we see that savings, there was really no practical way of doing it.

Commissioner Tornatta: But, in your opinion, do you think that there is the potential that we could save that million dollars?

John Stoll: Yes. Based on estimates, and, here again, making a comparison to what Bernardin Lochmueller has done on the bridge over Firlick Creek up next to the soccer complex. That's actually what instigated this whole evaluation, because those costs for that bridge, which is another beam bridge, made it look like the precast structures were a higher cost. So, that's when I had originally talked to DLZ about looking at this, and they came back with some preliminary estimates of, I believe initially they had come up with up to a million and a half dollar savings. Now that they've gone back and refined their estimates, they came back with \$1.1, but based on all the data I've seen, I think it's realistic.

Commissioner Nix: I think something else to take into consideration, and, John and I talked about this just a little bit, that during the construction phase, this would probably lend to speeding things up a little bit, steel versus the precast.

John Stoll: All in all, it looks like, from the DNR perspective, there shouldn't be any problems with that. Construction wise, there are no apparent problems with that, as far as lengthening, they haven't come up with the exact phasing, so, I don't know if like Commissioner Nix has said whether we'll save time, but based on what DLZ has said, it won't cost us any time. It doesn't cost us any design time, and based on all the estimates, the savings appears to be legitimate. But, there was no way to mandate and tie their design contract to that savings. I guess, we would almost have to bid both options to do a comparison before you could actually say that the savings was actually realized. The design for the precast structures was never finalized, and if this supplemental agreement is signed, it would never be finalized. There were still some footing design issues that had to be dealt with on the precast structures because of the poor soil conditions. They would have to be pile supported, so that design would never be finalized. So, you never really would be able to get exact final costs on that option, if we pursue this option.

Commissioner Nix: If we were to look at both of them we would end up paying design for precast and design for steel too.

John Stoll: Correct. Theoretically, you could do it that way, you would pay for both, and then have to bid it as an alternate.

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<sup>1</sup>The correct figure is \$158,700.

Commissioner Tornatta: Okay, thanks.

President Musgrave: We have a motion and a second. Is there any further discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Mr. Stoll?

John Stoll: Like you said a second ago, I also have the cover sheet for the St. George Road bridge rehab plans. Those plans were prepared by Beam Longest and Neff, and I would recommend that you sign that. Based on current estimates, we're trying to plan on getting that out for bid and get the contract awarded in mid to late August, once the city's project on St. George east of 41 is completed.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item I have is a request to transfer \$5,000 from the Mt. Pleasant Road project to our Local Road and Street Legal Services account. That's account number 216-3610. This would be used to cover general legal expenses that can't be charged off on any particular project. We've used up virtually all the money that's in that account right now, so, we need to do that transfer. Since Mt. Pleasant's done that seemed like an appropriate place to take it from.

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have.

President Musgrave: Thank you, sir.

<b>Board Appointments</b>
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President Musgrave: Next on our agenda is a board appointment to the Levee Authority. Is there a motion to approve Mr. Mike Whicker?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

<b>New Business</b>
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President Musgrave: New business. We have listed on the agenda the cancellation of the County Commissioners meetings on July 17, and that's just the Commission meeting, not the rezoning, and I'll call you up in a moment, Mr. Craig, August 7<sup>th</sup>, September 4<sup>th</sup>, October 9<sup>th</sup>, and December 4<sup>th</sup>. The Commission, if you approve this meeting, then we will be meeting regularly three times a month, instead of four. We already do not meet on the fifth week of a month. Is there a motion to approve?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: I just have a question so I'll know where to be. On July 17<sup>th</sup> there will not be a Commissioners meeting, but there will be a zoning meeting, and will that be at the same time, at 3:30?

President Musgrave: They are advertised for 3:30.

Ted C. Ziemer, Jr.: Okay, I thought they had been, yeah. But, that's the only date that there's a zoning meeting? Okay, thank you.

President Musgrave: I would like to remind everyone that next week is July 4<sup>th</sup>. We will not have a meeting next week. So, please mark your calendars. No meeting next week. Mr. Craig from Burdette Park also has some new business. Please come forward.

Steve Craig: Steve Craig, Manager of Burdette. Howell swim team has requested from Burdette the use of our open air pavilion for two and half hours in which that time they will have an award banquet for their swim team, and one hour of that would be included in a pool use for this year end banquet. They're requesting it on July 16<sup>th</sup> or 17<sup>th</sup>, whatever is most convenient to the park. Howell would be responsible for all clean up. We will practice a leave no trace. I request that the County Commissioners would waive any fee for this awards dinner and a one hour use of the swimming pool that evening.

President Musgrave: I understand that if Howell Pool had been opened, they would have had this event there, and they would not have been charged to use the pool there?

Steve Craig: That's my understanding. They've had it there in the past, and being as it's not open this year, they had leased Burdette for their practice, and now they want to have an awards, where they hand out awards, and I'm requesting that we allow them to use that. They will make, like I said, leave no trace, it will be the same as when they got there. There will be no clean up or nothing for the park.

Commissioner Tornatta: I would make a motion to allow them to use the park as they need on that night.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Steve Craig: Thank you.

<b>Old Business</b>
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President Musgrave: Any old business?

<b>Public Comment</b>
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President Musgrave: Is there any public comment?

<b>Consent Items</b>
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President Musgrave: Is there a motion to approve the consent agenda?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to adjourn?

Commissioner Tornatta: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:02 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of June 19, 2007 Commission Meeting Minutes.  
Evansville ARC: 5/16/07 Board Meeting Minutes & May 2007 Report of Activities.  
Ridgewood Appraisals E-mails.  
Key Government Finance Disbursement (County Telephone System).  
IBAP Gatekeeper Thank You E-mail.  
Department Head Meeting Notes: June 19, 2007.

**Employment Changes:**

Co Op Extension (1)	DADS (2)	Circuit Court (2)
Health Department (2)		

<b>Travel Requests:</b>	SWCD (1)	Health Dept. (1)
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**County Engineer:** Pay Request No. 29: Burkhardt-Green River TIF Projects.

**Treasurer**

Surplus Request for Various Items. (Computers, monitors, keyboards, calculators)  
Monthly Report: May 2007.

**Purchasing:** Monthly Report: May 2007.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Cheryl Musgrave	Bill Nix	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Mark Acker	Robert Willner
Rick Borries	Sherman Greer	John Stoll
Steve Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JULY 10, 2007**

The Vanderburgh County Board of Commissioners met in session this 10<sup>th</sup> day of July, 2007 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'm going to call to order the July 10, 2007 meeting of the Board of Commissioners of Vanderburgh County. It's approximately 3:30 in the afternoon. We will start with introductions on my right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

President Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

**Disaster Resistant Community Corporation Update**

President Musgrave: The first item on our agenda is Mr. Roger Lehman with the Disaster Resistant Community update. I think I missed a C in there somehow. Perhaps you could tell us what that is?

Roger Lehman: I can do that. Thank you, President Musgrave and Commissioner Tornatta for allowing us to be here today to bring you an update on the Southwest Indiana Disaster Resistant Community Corporation, to be totally accurate. We call it the DRC just, for obvious reasons. First of all, I would like just to read the DRC mission statement:

“The mission of the Disaster Resistant Community Corporation is to advocate and educate mitigation to help all individuals, families and businesses in our community better anticipate, survive and recover from disasters that occur in Southwest Indiana, primarily the counties of Vanderburgh, Posey, Warrick, Gibson and Spencer.”

Having said that, I would call your attention to a handout that I provided you guys ahead of time. I'm just going to touch on some high points of it, if you have it with you, if not you can refer to it later. This group was started back in 1997, and has been together ever since, therefore, this is our ten year anniversary, 2007. We do have some special events coming up in the near future, which we'll mention in a minute. But, as a little background, our effort to fulfill our mission is attempting to upgrade building codes. As an example, we do, we are the only area in the Midwest that requires our gas water heaters to be strapped down for seismic purposes, the



nine counties of Southwest Indiana. The only place in the Midwest that requires that. The reason for that is the obvious one that we don't want water heaters to fall over during earthquakes. The less obvious one is when that happens the gas line breaks and then the house burns down. Fire after an earthquake is often times more damaging than the earthquake. So, we want to minimize the impact of that. We work to remove structures in the flood plain. We've had some projects over the past years to purchase property and eliminate structures on those to prevent continued damage to those, to perform non-structural retrofits, which we have done to several day care centers over the past years, and also to do structural retrofit projects, which we have done to fire stations, including one in each county, also German Township station number nine, and two of the fire stations in the City of Evansville. So, we are a group that does things. Unfortunately, a group that does things needs one thing to continue and that is, of course, money. It's hard to do things if you don't have any resources. So, over the years we have received grants, we were recognized by Project Impact back in the day, with a grant of \$500,000. We have been used by Purdue University in some of their research grants. We, basically, are supported however by the communities we operate through, which are the five counties in Southwest Indiana including, of course, Vanderburgh, and also the City of Evansville. Another project that we are currently involved in very seriously and very time consumingly, but very importantly, is a program called CERT, Community Emergency Response Teams. Christine Martin, who is with us today, Christine, please stand, is the Director of the DRC, and also a certified CERT instructor. She has personally instructed several hundred people on the CERT program. The CERT program provides that individuals in neighborhoods have enough training that they can be the first responders in a major disaster, because often the normal first responders, fire, police, sheriff and so on, can't get to you very quickly in major disasters. So, they are trained to do that. We have 14 CERT teams in Vanderburgh County, totaling about 186 people. In the Southwest, in the five counties of Southwest Indiana we have about 320 people that have been trained in the CERT program. That provides, again, a back up to our normally thought of emergency response folks, and they are also available to them in case of major disaster, such as the tornado that we had, the CERT teams were available if the Fire Department or Police Department would call upon them. We are in the process now of, Christine is, of developing a refresher course. Every few years the CERT team members have to have a refresher course to keep their certification active. She is going to be doing that for, I guess, all 300 people in Southwest—

Christine Martin: In all five counties.

Roger Lehman: —in all five counties. I also would like to introduce, here with me today is co-president of the board of directors, Harold Matthews, the Chief of Security for the University of Evansville. He's here to answer any questions or to fill in the gaps that I may leave. If you turn to the second page, if you have that with you, of the handout, I just wanted to call your attention to the main goals; to educate in order to save lives and make the community safer, to reduce property damages and economic losses, to shorten recovery time for businesses to resume regular operations, and to minimize social disruption and shorten the recovery period of the community. Now, another project that we have coming up in the very near future is called Fortified for Safer Living. This is a project we are working with the institute for business and home safety, and we'll have a ground breaking for a new structure in Evansville-Vanderburgh County on August the 15<sup>th</sup>, which you all will shortly receive an invitation to. The handout that I provided to you that's called Aurora Fortified Project, there will be a similar document that will be entitled Evansville-Vanderburgh County Fortified Project. That will be a matter of national attention, IBHS, the

Institute for Business and Home Safety, is the insurance industry's primary group for reducing losses by mitigating hazards. That's one of their big things, obviously. There are a few other events that are going on through October in conjunction with our 10<sup>th</sup> anniversary, and those would be, I've got them right here; Disasters Do Happen Here, that will be in August, which will address tornados, earthquakes and emotional impact of those events. In September, Business Pandemic Planning, and I'll refer to the business aspect of DRC in just a minute. In September will be Insuring Business Survival, and in October will be Special Needs Planning, which we are looking the special needs citizens in our community, and how they need to be addressed relative to disasters and response to disasters. Now, speaking of businesses, the DRC has a, somewhat of a sub-committee, but it's an entity unto itself that is made up of private businesses, and it's called the Disaster Recovery Business Alliance, DRBA. That would be on the third page of your hand out, if you have that handy. Now DRBA is unique in that there aren't very many of these organizations in the United States. There have been a few, most have gone by the wayside. Ours is still active. There are a few in a couple of other cities that are still active. The uniqueness of DRBA is that private industry traditionally does not interact with government except in regulatory type of activities. What DRBA does, it provides a bridge between the government and private industry so that they can participate, not only in the normal business of government/private enterprises, but also in planning for disasters and recovery from disasters, even to the extent that in our situation we have a spot for them in the emergency operations center that DRBA provides a person to be there, so that as we're responding to disasters and recovering, that business has a person that's right there amongst the decision makers, giving input and providing information from the business community. It has not been done in the past. We are one of the first that has accomplished that. A mission statement from DRBA now, this is the business side is:

"To establish and support the operational, informational and personal links among Southwest Indiana businesses that will expedite normalization of productivity, commerce and quality of life following large scale emergencies in the area."

Many businesses have had internal disaster plans for some time. Many did not have external disaster plans. In other words, what happens if your suppliers don't supply you? Even if your business is not severally damaged, and your personnel can get there, if they have no materials to work with, what are they going to do? So, part of the DRBA planning and educational process is to help businesses understand that they have to look at many aspects of things that go on outside the area. The other big thing we look at is, if you're in business and your business isn't severely damaged, what if none of you workers come to work? How are you going to produce product at that time? So, we encourage businesses to talk with their employees, provide them education and information on how to respond to disasters and for them to plan on what their employees will do, so that their employees have kind of a feel for what's going on. On the last page of the hand out, there's five major areas; hazard and risk assessment, education awareness, hazard mitigation, business resumption, business and community recovery. Those are the goals that we have, and all of the efforts that we make go toward those goals. Last but not least, we solicit the Commissioners support for DRC and DRBA so that we can continue our mission to help our citizens to be as safe as possible, and help our businesses continue to be up and running in the face of potential disaster. I would be glad to answer any questions you may have.

President Musgrave: I think you're over in the Orr Iron Building now, right?

Roger Lehman: Yes.

President Musgrave: Where are you moving since that is going?

Roger Lehman: We'll be moving to the technology center downtown.

President Musgrave: Okay, good.

Roger Lehman: And, we'll be having our educational site with this new fortified home. One aspect that we're looking at that's a little bit outside of the scope of our normal activities, but we think we will be incorporating into the fortified home is also some green building aspects of construction. Since this structure that we're going to be building will be used for an educational tool for four or five years for safety issues, we feel like that perhaps we might want to incorporate some green building things in there also, so it can be kind of a dual purpose, so that the education can be more comprehensive than it would be otherwise.

President Musgrave: Alright, well, thank you very much for coming—

Roger Lehman: Thank you very much.

President Musgrave: —as part of our continuing series of boards to which we make appointments to come and tell us a little bit about what you do, and your plans for the upcoming year. So, thank you very much. Thank you, Ms. Martin.

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

Roger Lehman: I'll get you a clean copy.

Madelyn Grayson: Okay, thank you.

President Musgrave: Okay.

<b>Burdette Park Land Acquisition</b>
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President Musgrave: Next is Mr. Steve Craig, Manager of Burdette.

Steve Craig: Steve Craig, Manager of Burdette. At this time I would like to receive permission from the Vanderburgh County Commissioners to pursue property that has become available adjacent to Burdette Park.

Commissioner Tornatta: So moved.

President Musgrave: I'll second. Is there any further discussion? All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

Steve Craig: Thank you.

President Musgrave: Thank you.

**Permission to Award: APA-017-2007:  
Guard Rails and Various Pipe Culverts**

President Musgrave: We now move to award APA-017-2007, guard rails and various culvert pipes. Ms. Debbie Spalding from the Purchasing Department.

Debbie Spalding: Good afternoon. We solicited bids for culvert pipes and guard rails this year. We did receive inquiries from six companies and bid specifications were sent out to them. This bid was advertised in the paper twice in July<sup>1</sup>, and bids were opened in this meeting, in this group's meeting on June 26<sup>th</sup>. The response that we got back, we received responses from three bidders, and I'm here today to ask for your permission to award the aluminum culvert pipe and most of the guard rail materials to CPI Supply, and the concrete culvert pipe to M & W Concrete. You have the bid tabulations in front of you.

President Musgrave: Any questions? Is there a motion?

Commissioner Tornatta: So moved.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

Debbie Spalding: Thank you.

President Musgrave: Thank you.

**Permission to Advertise for Weapons for the Sheriff's Department**

President Musgrave: We now, you have permission to advertise for weapons for the Sheriff's Department.

Debbie Spalding: Right. I would just like to ask for permission to advertise for the weapons for the Sheriff's Department.

Commissioner Tornatta: So moved.

President Musgrave: Second. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

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<sup>1</sup>This was advertised on June 12<sup>th</sup> & June 19, 2007.

**Sheriff Department: Integrated Consultants Agreement (Deferred)  
Superior Court: RoboCuff License Agreement**

President Musgrave: Contracts, agreements and leases, we have the agreement with Integrated Consultants, Incorporated on behalf of the Vanderburgh County Sheriff. Is there anyone here to address this? Mr. Ziemer, do you have any information for the Commissioners?

Ted C. Ziemer, Jr.: None in addition to the information I supplied with my e-mail of July the 3<sup>rd</sup>. This agreement is to replace a prior three year agreement, which was approved by Commissioners Fanello and Mosby and—

Commissioner Tornatta: Mourdock.

Ted C. Ziemer, Jr.: –Mourdock. That one expired, and this would be a new agreement beginning January 1, 2007. They've been providing these services without an agreement since that date. The cost of the agreement is \$10,000 a month for the year 2007, \$10,300 a month for the year 2008, \$10,609 per month for the year 2009. I did speak to Sheriff Williams about this and he advised me, and also he advised Matt Arvay that funds had been appropriated for the payments of \$10,000 a month for 2007, and that he was asking Council to appropriate the required funds for 2008. The agreement does have a provision that if funds aren't appropriated that no payments are required to be made. That's as much as I know.

President Musgrave: I understand that this is a contract for the sole individual who assists in maintaining the computers out at the County jail. I understand even before we had the new jail this individual was working on those computers. But, I understand it's a substantial increase over the prior contract, perhaps even 100 percent increase, or getting close to that, and I do have some questions about it, and Commissioner Nix is generally our liaison with the Sheriff's Department and he is not able to be here today. So, I would request that we not only table this, but, perhaps, Commissioner Tornatta, you would check with members of Council, because this contract does go into the future, and I would like to know their outlook on this.

Commissioner Tornatta: Well, I don't have a problem with that. I think that anytime we're dealing with these types of numbers, I think it's good that the Council has an opportunity to send it back to us with their approval, as a work of agreement with the Council. So, I would have no problem with that. Just recommend as well that we table this and I'll go back to the Council and talk about it.

President Musgrave: Alright, if this is a motion, I'll second it. Alright. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries. Next on the agenda is the Superior Court RoboCare license agreement for government agencies. I'm sorry, RoboCuff. Is that a RoboCuff or RoboCare?

Ted C. Ziemer, Jr.: RoboCuff.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: They do both, but this is RoboCuff.

President Musgrave: Alright. I understand that they've been using this product, which, I guess, is some sort of electronic cuffing device?

Ted C. Ziemer, Jr.: Yes, and the contract's recommended by Judge Niemeier. They've been using RoboCuff, he tells me for over a year without having a formal contract, and this is now to formally have a contract in place—

President Musgrave: Alright.

Ted C. Ziemer, Jr.: —for the services. The agreement spells out the various services that will be required of RoboCuff. I think what the Judge has initialed here is that it would be a monthly plan of \$1,250 per month for the services that are required.

President Musgrave: Okay. Is there a motion?

Commissioner Tornatta: So moved.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

Ted C. Ziemer, Jr.: Let me just ask, did you get it, has it been marked up so that there's a place for the Commissioners to sign it now? Okay. There wasn't on the original draft, but thank you.

<b>County Highway</b>
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President Musgrave: We move now to department head reports. Mr. Duckworth, and then, Mr. Stoll, you have several things, correct? Alright, are there any other department heads here? No.

Mike Duckworth: I feel fortunate that I got to go before John Stoll. That's a first, I think. I just have one brief request and that is, in the previous budget the Council, well, the Commissioners request from my recommendation and the Council approved an amount to build a training room/lunch room area in our facility. Through previous meetings we've had the engineering completed on that, and I would like to ask permission at this time to get pricing on that.

Commissioner Tornatta: So moved.

President Musgrave: Second. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

Mike Duckworth: Just one last thing, just for the general public's knowledge, we are working through our paving season, and we've completed, of the 33 roads that were approved by the Commission and the Council to have resurfaced this year, we've

completed all but nine. We're working through that at this time. So, that's a good thing.

President Musgrave: That is a good thing.

Mike Duckworth: Thank you very much.

President Musgrave: Well done.

<b>County Engineer</b>
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President Musgrave: Mr. Stoll?

Ted C. Ziemer, Jr.: John, are you going to have any objection to Mike coming before you at these meetings? Does that make any difference? Okay, thank you.

John Stoll: Feel free.

President Musgrave: Will this in total take more than nine minutes? Which is how much time we have left on the clock.

John Stoll: I can go fast.

President Musgrave: Okay, go.

John Stoll: First, I have a contract with Bernardin Lochmueller and Associates for \$43,000 for bridge design services for First Avenue. This is a supplemental agreement to follow up on their previous studies where they identified the soil problems on the First Avenue Bridge over Pigeon Creek. This will basically provide us a bridge design to bridge over those problems.

Commissioner Tornatta: Motion to approve.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next, I need to request your approval to make several offers on the right-of-way on Green River Road. The parcel numbers, the property owners and the amounts are as follows; parcel 3, Seib, \$2,550; parcel 5, Denton, \$1,800; parcel 8, Dempsey, \$325; parcel 10, Hollis, \$4,900; parcel 11, Todd, \$300; parcel 12, Whitledge, \$1,900; parcel 13, Ruff, \$200; parcel 14, Titzer, \$750; parcel 16, Benedna Corporation, \$150; parcel 17, Lamb, \$2,050; parcel 18, Sarchenko, \$400; parcel 26, Schwent, \$900; parcel 27, Allen, \$500; parcel 36, Farmer, \$2,550.

Commissioner Tornatta: Move approval.

President Musgrave: Second. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next, I have two right-of-way offers for the Cross Pointe Boulevard project. They are, parcel 2, L & S Properties, and the amount is \$8,900; and parcel 6, Greg Rand, Incorporated, \$55,500.

Commissioner Tornatta: Move approval.

President Musgrave: Second. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: Next, are some offers for the Oak Hill and Bergdolt intersection project. They are, parcel 2, Turley, \$575; parcel 3, Jenkins, \$400; parcel 4, Jones, \$325; parcel 8, Oak Hill Baptist Church, \$2,050; parcel 12, Strickland, \$5,025; and parcel 13, Moyes, \$1,000.

Commissioner Tornatta: Move approval.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

John Stoll: The last item I have is a time extension request from J.H. Rudolph for the Bohannon Estates Barrett Law project for the street repairs. They are requesting a time extension until August 15<sup>th</sup> on the basis that it took a while to get some answers to some questions they had in regard to the design. So, I would recommend approval of that time extension.

Commissioner Tornatta: So moved.

President Musgrave: Second. All those in favor?

Commissioner Tornatta: Aye.

President Musgrave: Aye. The motion carries.

Ted C. Ziemer, Jr.: May I just ask how far, what was the original timing on that one?

John Stoll: Off the top of my head I don't remember. I believe the delay was like 42 days, something like that, so, the completion date was probably right around now.

President Musgrave: Is that it?

John Stoll: That's it.

President Musgrave: Okay.



**New Business**

President Musgrave: Is there any new business?

**Old Business**

President Musgrave: Any old business? Oh, there is old business, a reminder that there is no Commission meeting on July 17, 2007. We will be meeting to hear the two or three rezoning petitions that will come before us, but we will not follow, we will not proceed that with a regular Commission meeting.

**Public Comment**

President Musgrave: Is there any public comment?

**Consent Items**

President Musgrave: We have a list of consent items on the agenda. Is there a motion?

Commissioner Tornatta: So moved.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye. Is there a motion to adjourn?

Commissioner Tornatta: So moved.

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

Commissioner Tornatta: Aye.

President Musgrave: Aye.

(The meeting was adjourned at 3:55 p.m.)

**CONSENT ITEMS:**

Health Department (1)  
VCCC (3)  
County Clerk (1)  
Treasurer (1)

Burdette Park (12)  
Voter Registration (1)  
Knight Assessor (1)

Sheriff Office (3)  
Circuit Court (1)  
Scott Assr. (1)

**Travel Requests:**

Health Department (3)  
Commissioners (3)  
Coroner (1)

Treasurer (2)  
Voter Registration (1)  
County Assessor (1)

County Clerk (1)  
SWCD (1)

**Auditor:** A/P Vouchers: July 2007.

**Commissioners:**

Knight Township Fire Dept. Grant Semi-Annual & Grant Close Out Reports.  
Bernardin Lochmueller: University Parkway Project Ph. II & III Update.  
Department Head Meeting Notes: June 26, 2007.

**County Engineer:** Pay Request No. 30: Burkhardt-Green River TIF Projects.

**Surplus Requests:**

Circuit Court: Probation Dept: chairs, t.v., t.v. stand, vcr.  
DADS: Compaq computer.  
County Clerk: chairs.

**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.  
Roger Lehman  
Debbie Spalding  
Others Unidentified

Troy Tornatta  
Marissa Nichoalds  
Christine Martin  
Mike Duckworth  
Members of Media

Bill Fluty  
Madelyn Grayson  
Steve Craig  
John Stoll

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

(No longer in office when minutes approved.)  
**Cheryl A.W. Musgrave, President**

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**Bill Nix, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JULY 24, 2007**

The Vanderburgh County Board of Commissioners met in session this 24<sup>th</sup> day of July, 2007 at 3:30 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 Vanderburgh County Board of Commissioners, June 24<sup>th</sup>, or, excuse me, July 24, 2007 meeting at 3:30. I call the meeting to order, and we'll start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Whicker: Mike Whicker, County Commissioner.

Commissioner Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, 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.)

**Reorganization & Election of Officers**

Commissioner Nix: Thank you. First of all, I would like to introduce newly appointed County Commissioner, Mike Whicker. He just joined us just a little while ago, and look forward to working with Commissioner Whicker for the next 18 months and maybe beyond, hey?

Commissioner Whicker: Yes, thank you.

Commissioner Nix: I guess, it's in order, since we have had a change of guard here, or actually a Commissioner has left this position that we have, we appoint some new officers?

Ted C. Ziemer, Jr.: Yes, we need to reorganize and elect a President and a Secretary. You would do that, of course, on a motion made by one person, seconded by another, and then approved.

Commissioner Nix: Okay, well, I guess, we'll open up the floor for elections then.

Commissioner Whicker: I would like to nominate Bill Nix as President.

Commissioner Tornatta: Second.

President Nix: Any other nominations?

Commissioner Tornatta: Don't get me started.

President Nix: If not, all in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Now, I would like to—

Ted C. Ziemer, Jr.: Then we need a nomination for Vice President.

Commissioner Tornatta: I'll nominate fresh Mr. Mike Whicker for Vice President.

President Nix: I second that. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Congratulations.

Commissioner Whicker: Thank you.

President Nix: I think.

Ted C. Ziemer, Jr.: You can't rise up faster than that in any other organization.

<b>Building Authority Board of Trustees Update</b>
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President Nix: Okay, first action item is the Building Authority Board of Trustees update. This is from Wilbert Robinson. I understand, yeah, Mr. Dave Rector is here today. Good afternoon, gentlemen.

Wilbert Robinson: Good afternoon, Commissioners. Congratulations to the new Commissioner, Mr. Mike Whicker. My name is Wilbert Robinson. I'm the president of the Board of Trustees for the Evansville Building Authority. I would just like to make a few comments. Ms. Musgrave, she asked me to come before the board. The Evansville Building Authority was formed in 1966, under Chapter Four of the Acts of the Indiana General Assembly, and is defined by Indiana Code 36-9-13. The Board of Trustees is comprised of five individuals appointed by the County Commissioners, the County Council, the City Council and the Mayor. The term of each trustee is four years. The purpose of the Board of Trustees is to meet each year, in January, to elect officers for the Board of Trustees, and to appoint the Director of the EVCBA, and perform any other duties defined in IC36-9-13. The Evansville-Vanderburgh County Building Authority is under the control of the Board of Directors that hires the General Manager for the Building Authority. Some of the highlights of recent years that we have done here in the last two years, in 2005 we reduced the budget for the first time in history. This was followed by another reduction in 2006, and a further reduction in 2007. The 2008 budget has a moderate increase of one percent for the Civic Center. The Civic Center has undergone several major and minor renovations under the Director of the Evansville Building Authority. One of them is the renovation of Circuit Court and Adult Probation, the renovation of Juvenile and Probate Court along with the Superior courtroom, and the addition of two new courtrooms and magistrate offices, the renovation of the old Vanderburgh County Sheriff area for use by the Evansville Police Department, the renovation of the Small Claims court administration area, installing a new microphone system, overhead projector and computer for use in the City-County

Council chambers, installation of a video arraignment system in Misdemeanor Court. We have also added additional parking capacity around the Civic Center. We also own the Centre, which is across the street, and with the operation and cooperation of the Commissioners have completed several improvements of that facility in recent years. One is to build out dressing rooms, the addition of a new on demand hot water system that resulted in improved hot water supply while lowering the gas and water costs, the carpeting over there in the exhibition hall. Currently we are working with city and county officials to develop plans to use the old jail space in the Civic Center for the betterment of both city and county government. The Civic Center alarm system has been upgraded and a new LCD message system has been installed to better advise both the public and employees of relevant meetings and events going on inside and outside of the Civic Center. Now, on a personal note, I want you to know that my term ends at the end of the year. I've enjoyed working for the County Commissioners as a trustee, and I would like to be re-appointed again. So, I'm getting my bid in. If there's any questions that you would like to have answered, feel free, but I'm in a little hurry because I've got to catch a 5:45 flight to Atlanta.

President Nix: Okay.

Wilbert Robinson: Are there any questions?

President Nix: Questions from the board?

Wilbert Robinson: Ted?

Ted C. Ziemer, Jr.: Get that plane.

President Nix: Appreciate everything you guys do for us here. Thank you, Wilbert.

<b>Gibson County Commissioner Sherrell Marginet: Paddlefest</b>
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President Nix: Next up we've got Gibson County Commissioner, Sherrell Marginet, and he would like to speak on behalf of the Paddlefest which is coming up in, what is the date? August 18, 2007.

Sherrell Marginet: That is correct.

President Nix: Commissioner, good afternoon.

Sherrell Marginet: Fellow Commissioners, I savor the fact that I'm able to come here today, and thank you for letting me be on the agenda. Today is a selling day, and we're selling Southwestern Indiana. Southwestern Indiana has created, three years ago, as Mr. Nix you well know, you were part of it, the first Paddlefest. This comes down the Wabash River, from Grayville, Illinois to New Harmony, Indiana. There's not a more scenic river, we need to sell it. The only thing that would top it would be the Ohio, and, of course, the Wabash goes into the Ohio. We have some things here we would like to bring up, first of all, some things have been added to this Paddlefest, and one of them is a war canoe race. The honor of Southwestern Indiana, and the honor of Southeastern Illinois is at stake. The great prize is a paddle itself. They will go down the Wabash River for that. By virtue of that, there will be seven people on each side of that war canoe, Indiana's will be coached, you know you have to have a coach if you're going to do this correctly, and our coach this year will be a fella by the name of Ralph Weinzapfel, who has a little bit of experience at Memorial High School. So,

if you want to get on this team, what you need to do is call Ralph, and his number is 985-2073. Or, you can call the office at New Harmony and volunteer to be a part of it, and that's 682-4438. Now, we have a lot of things going on, that morning there will be a pancake and sausage breakfast at Grayville, on the banks of the Wabash, but up on the hill at the park. It's very scenic up there. It starts a very historic river. It's part of our heritage. We're trying to push tourism in Southwestern Indiana, and according to the last figures, we're doing that. Last year, thankfully, the Wabash Paddlefest was up from about 200 to 300, and we're hoping for more this year. If you're a red blooded American woman or man who wants to be a part of this and you want to represent Southwestern Indiana, then you need to contact these people that I've told you about, make sure you're part of it. Of course, the honor of our area goes with that. So, please try to turn out and be part of it. Now, we have brochures. My wife has them over here. I have a couple with me. If it's alright with you people, I will leave some here, and if somebody would like to pick them up that will be fine. Now, the reason I'm here is because I was asked to be here earlier. I feel very proud about it. This is the third year. Let's hope it goes on for 300, and we have a place that's safe and a good place to take care of Southwestern Indiana and show it off. New Harmony is a very historic town. It's like Evansville, I want to pass a compliment on here, I don't know how much you people are involved with the Vanderburgh County Fair, however, I have a granddaughter that came down in the open class in cake baking. Now, only grandfathers go to watch granddaughters cake baking outfits, but she did end up, in the open class, with the grand championship, and, of course, that's where we're headed after this. So, we're very much in tune to the things that go on in Vanderburgh County also, and we would like to say thank you. Now, the big thing is, I'm sure you have some questions about that. If you do, Mr. Nix, I remember you going to Burdette Park, you and Suzanne Crouch and practicing for this. You did a really good job. I think you still have blisters on your hands, but that's alright, don't tell anyone. But, if you would like to make some comments, or you have some things that you would like for me to answer, any questions, I would be very happy to do this. Also, remember if you're in Southeastern Illinois, you call the Mayor's office at Grayville to be a part of that team. Whoever wins it, I'm sure the paddle will be very symbolic.

Commissioner Tornatta: We appreciate all the information, but we would rather have had your granddaughters baked goods.

Sherrell Marginet: Well, I'm sure that somewhere grandfather will tie into that. Don't tell anybody.

President Nix: Commissioner, if a person didn't want to participate in the activities, but just wanted to see, they're welcome to come over to Grayville and watch this kick off, or go to New Harmony at noon or so and watch the boats come in?

Sherrell Marginet: If you have an appetite at all, you want to be there for the sausage and pancakes. There will be brats and whatever down on the riverbank before the race takes off, it's at 10:00 in the morning. It's something that I think you'll see....I told somebody the last time that there hadn't been that many canoes on the Wabash River since the Shawnee went on an uprising. So, we're hoping that this thing goes very well, and we're very excited about it. We want to show off Southwestern Indiana the best way we can. I might add that there is in the plans, if we continue to be successful at this area in Grayville and New Harmony that the Wabash River is a very long river, 475 miles to be exact, to Fort Recovery, and there are 23 festivals, if I counted correctly, up and down that river. So, what will happen later on we will set other weekends aside for races that are similar, and then you will accumulate points and the

finals will be run from Grayville to New Harmony. So, we want to bring it back to Southwestern Indiana, if we can. Any other questions?

Commissioner Whicker: I'm a little worried about Ralph Weinzapfel. I coached against him at Reitz for years and he knows every trick in the book. I want to know if this is going to be a fair race?

Sherrell Marginet: I cannot answer for the morals that he will use in coaching this team. However, knowing Ralph I'm sure that he's very excited about it.

Commissioner Whicker: It's a great event. I am familiar with the event.

Sherrell Marginet: We say we're having people out, the big thing you want to watch is, even if you don't want to participate in the canoe or the Paddlefest or the float, remember that on the banks of the Wabash at New Harmony, after the race, the Red Geranium will have a place to eat, and they will set it up in the shade on the banks of the Wabash, and there's not a better scenic view to have. You can sit right there and enjoy it, and, hopefully we can have people out. We've got a lot of nice things in Southwestern Indiana, and it's time we get out and sell them to people. This is one way we're going to try to do it. We're very excited about it. I'm not going to be able to take part in it much longer, but while I'm here I'm going to try to do what I can. Hopefully this thing is successful. Any other questions?

President Nix: Commissioner, thank you.

Sherrell Marginet: Listen, thank you for the time.

President Nix: Thank you.

<p><b>Second/Final Reading of Ordinance CO.04-07-005: An Ordinance to Establish Provisions for Animal Control (As Amended)</b></p>
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President Nix: Next on our agenda is the second and final reading for the animal control ordinance. I would like for Sheriff Eric Williams to step forward and maybe make a few comments.

Eric Williams: Commissioners, welcome, Commissioner Whicker.

Commissioner Whicker: Thank you, Sheriff.

Eric Williams: I would be happy to answer questions. I don't know what the protocol would be other than that I think we've presented a good, final draft ordinance for your consideration for animal control. It comes with a lot of work and communication with a lot of members of our community and different aspects. I can tell you so far as being Sheriff for a little over six months, I've gotten more calls, e-mails, and things on this particular issue than any other that I've gotten, including the jail. So, it's obviously a hot button with many members of our community. We've held several meetings and discussions, those included, and I need to thank several people. Number one some people from my staff, Major Molden and Sargent Klasner, they both played an integral role in getting this done. Representatives from the city Transportation Department, Animal Control, the Health Department, the Vanderburgh County Humane Society, several members of the community, and then the County Attorney's office who helped greatly in making sure that we word smithed it properly and that it made sense. I would

be happy to answer questions, but, I think you'll find this ordinance meets all the demands, or most of the demands that were placed on us. I think it's a good ordinance for both the community, for both those who are responsible pet owners, and for those that are also victims of people that aren't responsible pet owners. It's going to give the Sheriff's office and the county some jurisdiction and teeth to be able to deal with those people who do not care for their animals the way they deserve to be treated. So, with that I would answer questions, and encourage you to pass this.

President Nix: Sheriff, I would just like to thank you and the group for the work, the time you put in this. I know we've been back and forth quite a bit about a lot of different issues, and I think this is a good ordinance, and I think it's something we need to push through. At this time I would like to ask is there anyone from the audience that wishes to remonstrate this ordinance? If not, do the Commissioners have any questions?

Commissioner Whicker: I have had time to review this one, and I don't have any questions.

Commissioner Tornatta: I would like to make a motion to approve.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We'll do a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Whicker?

Commissioner Whicker: Yes.

President Nix: And I vote yes. It passes.

Eric Williams: Thank you.

President Nix: Thank you.

<p><b>First Reading of Ordinance CO.07-07-009: Amending Ch. 1.14 of the Code of Ordinances of Vanderburgh County: Enforcement of Ordinances</b></p>
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President Nix: The next action item is a first reading on an amendment to chapter 1.14. This basically addresses, and, once again, this is first reading, this addresses a, I guess, a standardized form. Sheriff, do you want to touch base on this?

Eric Williams: Well, you know, anytime you start the legislative process, one touches the other, and this brought about much discussion about the actual enforcement of this ordinance and several others that exist on the books, and doing that in a uniform fashion throughout the county and most all of the offices and departments that have enforcement authority over specific county ordinances. It also allowed for us to look at the ways of doing a specific way of collecting fines and fees and getting that all



centralized. It also addresses the ability of the need to have a centralized, uniform citation/warning mechanism in place so that is all stored properly, and everybody is doing it consistently. So, that on those cases where we have an instance where we're forced to warrant or cite somebody within our community, that there's a system in place that's understandable and that everybody will know how it's going to work, and so that the County Attorney's office can follow up on those systematically, so that we don't have things slipping through the cracks. Ted has gone through and looked at a lot of that language. We've looked at it all, several of us have, I've agreed to be the repository for most of the data, and also to be the place that will get the tickets and citations to issue to the other offices and departments, primarily us, the Health Department, the Building Commission, Weights and Measures and some of those places. So, I think this is really just to clean up some things that have needed to be cleaned up for some time, and this animal ordinance kind of drove that train.

President Nix: Good. I will entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Whicker: Yes, second.

President Nix: All in favor?

All Commissioners: Aye.

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

President Nix: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Whicker?

Commissioner Whicker: Yes.

President Nix: And, I vote yes. The second reading is scheduled for? Do we have a date on that?

Madelyn Grayson: The next meeting will be August 14<sup>th</sup>.

President Nix: August 14<sup>th</sup>? Okay, that will be the second reading. Thank you.

<b>Approval of Purchase of 30 Acres of Land Adjacent to Burdette Park</b>
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President Nix: The next action item is approval of purchase of 30 acres of land adjacent to Burdette Park. I don't know if the County Attorney, Mr. Ziemer, would like to speak to this issue.

Ted C. Ziemer, Jr.: Yes, thank you, Mr. President. At the last Commissioners meeting, the Commissioners authorized Steve Craig, the Manager of Burdette Park, and by that I think our office as County Attorney to pursue the purchase of 30 acres of real estate off of Ridgeway Avenue and adjoining Burdette Park. We had an appraisal done of that real estate, it was to be sold at public auction, and we had a very short period of time in which to develop our procedures for purchasing it. We did have an appraisal

done to determine the maximum purchase price that we should be prepared to bid at the public auction. I attended the auction on behalf of the Commissioners, and my authority for the 30 acres alone would have been based on the appraisal to bid up to \$150,000. As it developed, we were able to bid the property in for \$120,000, so, a savings there below the appraised price. On behalf of the Commissioners, and as the attorney for the Commissioners, I executed a real estate purchase agreement, which I'm going to pass down to Madelyn for the record. I'm keeping a copy of that for closing purposes. I would ask that the Commissioners authorize me, as County Attorney, to proceed to close the purchase of this real estate, to ratify my execution of the purchase agreement, and then to authorize me to conclude the closing.

Commissioner Tornatta: So moved.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you, Mr. Ziemer. Next on action items—

Commissioner Tornatta: Just real quick, I would just like to say, in any of these processes you have to have somebody that's out there watching it and making sure that when these parcels open up that you get a chance. So, Steve Craig, I would like to commend you on kind of birddogging the project, and getting out there in front of it, and letting us know about it so we could get that handled in a way that taxpayers can save some dollars, and we can get Ted out there doing a little work for us out in the field. Anyway, thanks to Steve Craig.

President Nix: Thank you, Steve.

<p><b>Resolution CO.R-06-07-006:</b> <b>Regarding Transfer or Exchange of Property with Governmental Entity</b> <b>(Old Jail to EVSC)</b></p>
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President Nix: Next action item is a resolution for property transfer to EVSC from the county. This basically amounts to a washer and a dryer that will be taken out of the old jail space and transferred to Evansville-Vanderburgh School Corporation. I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Whicker: I don't think my mic. is working, but I—

Ted C. Ziemer, Jr.: You have to—

Commissioner Whicker: Oh, there we go, second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

**Sheriff: Public Safety Partnership & Community Policing Grant**  
**Sheriff: Agreement with Integrated Consultants**  
**Health Department: Title V-MCH Block Grant Amendment**  
**County Highway: Southeastern Lease/Purchase Agreement (Deferred)**  
**Old Courthouse Lease Agreement: EVPL**

President Nix: The next action item is contracts, agreements and leases. Number one is the Sheriff, the public safety partnership and community policing grant. Mr. Ziemer?

Ted C. Ziemer, Jr.: This will be an application actually for a grant from the Federal Public Safety Partnership and Community Policing Grants. It's for a grant of \$71,172.75, for which there would be a local match of \$23,724.25. Sheriff Williams has completed the preparation of the application, and the funds would be used to develop and implement an electronic citation and warning system for use in Vanderburgh County. I'm told by the Sheriff that we'll be way ahead of other counties in the state if we implement this. Maybe, Eric, you would like to comment on that.

Eric Williams: This is one of those grants that we kind of watch for. We tend to avoid people based grants, and we look for equipment grants. One of the areas that we've looked for avenues to streamline our efficiency is in the citation process and getting data from the street and the officers cars and deputies cars into our system and then into the Clerk's system and into the courts system and spread out. Obviously, each one of those transfers require key strokes, and it's always an opportunity to make errors. What this system, if we're allowed to get this and we get it, will implement our ability to start barcode reading the drivers licenses straight in the police car, which will then electronically produce a citation, transfer that data electronically. So, we'll be getting the actual information that's barcoded on the license straight from the BMV and that will promulgate through the system. So, it's the initial step, but I think we're one of the few counties that's aggressively going after this project like this, because we are fortunately in a position that we've got the backbone and the infrastructure in our system to accommodate it. So, we're very hopeful that we'll be able to get this. We think it will be a good step in efficiency for several entities in city-county government.

President Nix: Questions from the board? I'll entertain a motion.

Commissioner Tornatta: I make a motion to approve.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. The second item is the agreement with Integrated Consultants. Mr. Ziemer, do you want to comment on that?

Ted C. Ziemer, Jr.: Yes. This will, I received the agreement prepared by the consultant and I revised it to insert various provisions to make it more satisfactory from the county's point of view. They did not have any insurance requirements in the document, and I added our standard insurance requirements. As revised, it would be, from a legal perspective, satisfactory for approval. The question, some question has been raised as to the cost of the agreement, which is \$10,000 per month for the first year of the agreement, \$10,300 per month for the second year of the agreement, and \$10,609 per

month for the third year of the agreement. The agreement would begin January 1, 2007. I was asked a question by Commissioner Tornatta, which I believe is aimed at if we began this agreement and later found that we had the expertise available locally, or otherwise as part of county government, to provide the needed services, would we be able to terminate the agreement. The answer to that is, no. The agreement is for three years, and could only be terminated for cause in the form that it's now drafted. If that answers the question you asked me.

President Nix: Questions from the board?

Commissioner Whicker: I have not had time to review this. I would feel a little bit uncomfortable about voting for it right now. So, I will abstain if it comes to that point.

Commissioner Tornatta: Sheriff? What is the, I think we agree that this contract is much needed for you to run the office, and there's no question that I'm in agreement that this is a person that is very integral to your office. However, is there an opportunity to look at getting some of this language put into a contract that would, and can that language be put into this contract that would give us a termination, a 90 day termination, let's say if we found that we had, went a different direction?

Eric Williams: I cannot speak for the consultant myself, I would have to take that back to them. My feeling is that if we had mutually agreeable language in there of a 90 day out clause for just because we decided we could do it differently, as long as that side had the same mutually agreeable 90 days, I think they would be acceptable to that. I will tell you that we've continued to work without this contract since January 1, and it's a critical piece or component of the office, obviously. You know, all of our offices in county and city government have become IT driven, and we're dependent on those systems. Us more so than many, because he also, this contract details and covers the specifics of the security controls and electronic equipment that run the jail. So, it's pretty vital to me that we have somebody doing this. I would be happy to sit down and meet with you, Commissioner Whicker, and bring you up to speed on this contract and how we got to where we're at. I think we've spoke several times, and I think my understanding, and I don't mean to put words in anybody's mouth, is that we're agreeable that this needs to happen, there just may be some fine tuning of the language in there.

Commissioner Whicker: Well, I'm sure there is. I just haven't had time to look at it. I was just wondering, I had a question about our IT people cannot do this, I'm assuming?

Eric Williams: Truly there is not an IT people in city-county government at this point in time. It is all contractually contracted out. There are a few people scattered throughout some offices that serve as super users or liaisons, but the rest of city-county government is contracted with a group, another group that provides those services. This group happens to more in line meet and fit the needs of the Sheriff's offices and the specialty of what we do. I think you'll find that the cost of the contract is much in line with what the market will bear and what we're paying other contracts and similar vendors. We've worked on this for quite some time, and I just, I would like to see it move to fruition or get some definitive answer that we're going to have to do something else. I think we owe it to my vendor because he's been here for several years providing tireless service and working well beyond the scope of his contract, just because it's been the right thing to do. He needs to know some direction also.

President Nix: To add to that, if you look through the contract, there are quite a few items in that contract that the IT people here don't necessarily do, down to working on

radio systems, 400 megahertz and 800 megahertz radio systems, the security system out there which is unique in itself. So, there are some things that are unique to that building that aren't to the rest of our ITAC or the rest of our people.

Eric Williams: It is somewhat unfair to roll this into an IT agreement that is purely computer based, because this vendor provides a lot more services than just the computer infrastructure. More so than some of the others. That's why it's a little more specialized or a different animal than some of the other contracts we have. Again, you know, I really would like to see this go. It's funded for the rest of this year through our own funds. It's in my budget request for next year, and much like any budget request, you know, it's unknown until the budget's passed, but that's the reality of how we do business here.

Commissioner Whicker: I understand, and, you know, that was my question. If our people that we have on staff can't handle it, then that was one of my questions.

Eric Williams: Sure.

Commissioner Whicker: Thank you.

Eric Williams: And, again, Commissioner, I know this was all just dropped on your lap in the last hour, and I don't envy your position, and would be happy to set some time aside in the next few days, if you would like to sit down, if you are going to have the time—

Commissioner Whicker: Yes.

Eric Williams: —and I can go through that with you, and I would be happy to do that.

Commissioner Whicker: Okay.

President Nix: It sounds like if we can get that done and get some type of something built into the contract where by mutual agreement the termination of either party within 90 or 120 days or something like that, we could maybe move forward and have this at the next meeting and get it resolved.

Eric Williams: Yeah, and I'm comfortable with that. I think everybody's understanding. I just, I really, as an office holder, and responsible for the operation there, I need to give people that are working under my jurisdiction some direction.

Commissioner Tornatta: Is this retroactive as far as the financing?

Eric Williams: Yes.

Commissioner Tornatta: Okay.

President Nix: So, do we just want to table this then?

Ted C. Ziemer, Jr.: Excuse me, question. I think we could, or at least I would suggest to the Commissioners that they might approve this today subject to my satisfaction, with language that we would insert allowing either party to terminate this agreement, without cause, on 90 days notice to the other party. That's pretty simple. Then, you would have to talk to your vendor, and if that's satisfactory, I would put that in the agreement, and then the agreement could be signed by the Commissioners, outside

the meeting, having been approved at this meeting, if that's important to get it done before August the 14<sup>th</sup>. On the other hand, if August the 14<sup>th</sup> is fine, we can do the things to get this ready by that meeting.

Eric Williams: I personally am very comfortable with that, and, you know, that will push this off center and get it moving one direction or the other. If he's not agreeable to it, then if that's one of the terms and conditions the county sets forth, then I know my next course of action I'm going to have to do something else.

Commissioner Tornatta: I'll make the motion that, with the provision that there is a 90 day clause put in for a termination clause, for whatever reason by your vendor by the county, and upon the County Council's approval that we accept the contract.

President Nix: Can I also add that Commission Whicker could have a chance to review this and make sure he's comfortable with everything that's in there then.

Commissioner Whicker: Well, I feel comfortable with the 90 day clause in there.

President Nix: Okay. The rest of it you're okay with?

Commissioner Whicker: Right.

President Nix: Okay.

Ted C. Ziemer, Jr.: Just so I can be clear, as County Attorney, I would understand then that the effect of this motion is you are approving the contract, subject to my satisfaction with that clause being inserted in the contract, and at that time, which might be Friday of this week maybe, we could have it available in the office and you all could go ahead and sign it and not wait for August the 14<sup>th</sup>?

Commissioner Tornatta: And, I will amend my motion to encompass that.

Commissioner Whicker: I will second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Eric Williams: Thank you, Commissioners.

Commissioner Whicker: I'll get with you this week.

Eric Williams: Please do.

Commissioner Whicker: Thank you very much.

President Nix: Next item is from the Health Department, Title V, MCH block grant amendment. Mr. Ziemer, I don't know if you wanted to address that.

Ted C. Ziemer, Jr.: Yeah, I can't recommend this. I'm kidding, Gary Heck. Yeah, this is simply amendment number one to the grant that's already in place. The original grant was for \$142,067. This will extend the grant period for another year, from

October 1, 2007 to October 1, 2008. It will increase the grant amount by another \$142,067, to a total of \$284,134. It's satisfactory for execution from a legal perspective.

Commissioner Tornatta: I make a motion for approval.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. The next action item is from County Highway, Southeastern agreement lease/purchase for a boom truck. Mr. Duckworth, good afternoon, sir.

Mike Duckworth: (Inaudible.)

Madelyn Grayson: Your microphone's not on, Mike.

President Nix: Your microphone's not on, Mike.

Mike Duckworth: There we go. Today I'm bringing to you a request to look at, and I've had Ted Ziemer, and I've e-mailed information to Mr. Fluty and County Council members, this is in regards to a purchase to lease of a crane truck. Just to give you a little background under this, we currently have three pieces of equipment at the County Highway Department that are gradalls that are used primarily for digging, but in addition, from time to time, we are called upon, in emergency situations and storms where large trees or large culvert pipes need to be moved, and it really stresses these pieces of equipment. I have been looking for a piece of equipment like this for some time, and last Thursday I was notified by a local vendor that said that he had had one. I went to work on trying to come up with some type of an agreement and a way that we could purchase this in the middle of a budget that I did not plan to purchase a piece of equipment like this. A new piece of equipment to this realm would cost in excess of \$200,000. This is a 2005 piece of equipment that is in very good shape and handled by a local vendor, and we can attain this for approximately \$90,000. I have put together information that I've shared with many of you, and I'm going to approach and give this to Madelyn, and I think some of you have this information at this time.

Commissioner Tornatta: I'll just make a quick comment that not often do you get certain opportunities like we have. I know that this is a piece of equipment that will help us to set pipe and to pull trees out of compromising positions, and we've talked about that. Looking at some of the prices that we've had, most of them over \$150,000 from Chicago and from other places in Indiana, this does give us an opportunity to buy a piece of equipment from Evansville, and then to get a pretty drastically discounted rate on a 2005 vehicle—

Mike Duckworth: Right.

Commissioner Tornatta: —with 30,000 miles on it.

Mike Duckworth: Right, and to tell you, and I don't want you to think that this has been an easy situation. I know that there are guidelines that we must follow, and Mr. Fluty's staff has informed me of some of these things, so, I'm really trying to work through this and do it, first and foremost, legally, and, secondly, that's conducive to my budget and

being out front with this with the County Council, as well as the Commissioners and the Auditor's office and the Purchasing Department, and all the other realms that we have to deal with. But, I will tell you, my first situation of trying to get this done would be to enter into the same type of situation that we did just previously with our paver and another large purchase with a mower, and that was to lease to purchase this situation, this piece of equipment. I contacted Mr. Ziemer and we had the company put together a lease agreement. Mr. Ziemer has been on the phone and worked on this this afternoon, and to be extremely honest with you, we've not come to a conclusion on whether or not that can be purchased that way. In talking to the President of the County Council, Marsha Abell, if Mr. Ziemer gets the contract worked out, and Mr. Fluty is agreeable that it can be paid that way, that's one way we could go, and that would be to pay \$45,000 out of this year's budget, out of the rent/lease account, and then earmark that much, \$45,000, again in the '08 budget. If that is not feasible, then I've asked President Abell to ask, and asked Sandie Deig to put me on the agenda tomorrow for a late transfer request to transfer and to move that money from the lease road account over to the road equipment account and purchase it outright. I'm normally not this pushy about equipment, but when this, when we have an opportunity like this, this is going to come along once in many moons, and if we don't get it, it's going to be sold the next day. I guess, my request is for the Commissioners to give the County Highway Department, myself, Mr. Ziemer the ability to try to work the lease out, and if that doesn't work out, to move it forward to the Council for the late transfer.

President Nix: Questions from the Commission? Can we hold just a second to get the tape changed?

**(Tape Changed)**

President Nix: Okay.

Commissioner Tornatta: I would just make a motion for Mr. Duckworth to purchase the 2005 Freightliner from Southeastern out of Evansville, with the caveat that you have to get County Council approval on the money. I make that in the form of a motion.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: I have to ask a question. So, that means the lease/purchase agreement we're not going to use?

Mike Duckworth: Well, my preference, for my budget would be to do it that way. Whether we can do that according to—

Ted C. Ziemer, Jr.: Well, we certainly can't do that under that motion.

Mike Duckworth: Okay.

Ted C. Ziemer, Jr.: Because the motion was...well, don't do it yet. I mean, the motion would be to approve the lease/purchase agreement.

Commissioner Tornatta: Well, I don't think that that's going to be possible talking to Auditor Fluty, and it' looks like—



Ted C. Ziemer, Jr.: It's not even possible talking to the company that prepared the document, because I'm not satisfied with it.

Commissioner Tornatta: Okay.

Ted C. Ziemer, Jr.: They told me that, I got the document just a half an hour before this meeting. They told me that they could make the adjustments that I needed in the document and have it here by half an hour from then. Of course, a half an hour has gone by and they haven't done that. I understand that you have separate problems in the Auditor's office relative to the agreement. So, your motion is fine—

Commissioner Tornatta: And, I think what's going to have to happen is you're going to have to go to the Council tomorrow and inform them of the late transfer, knowing that it happens in August—

Mike Duckworth: Yeah.

Commissioner Tornatta: —then that gets approved, then you're so many days out, then it gets—

Mike Duckworth: Sure, and I'm agreeable. I'm fine with doing that. I just want the Commissioners to know that in due diligence, my attempt to do it this way was based on previous events that had allowed me to do it in this way. I wasn't trying to circumvent the law or the rules or anything else, and after Mr. Fluty told me that that was a problem, of course I brought that up to Mr. Ziemer and Marsha Abell to see if there was another way that we could do it. I want that to be clear that I'm not trying to ram this through, but it is an opportunity that we're going to have to act on if we're going to purchase this equipment.

President Nix: Mr. Ziemer, are we clear on that now?

Ted C. Ziemer, Jr.: Mr. Fluty has a question.

Commissioner Tornatta: We have a comment.

Ted C. Ziemer, Jr.: Then I have another question.

Bill Fluty: I think, just the difference between the lease/rental for the paver and what you're doing now is, the Council was on board with the lease/rental, and actually gave you permission to lease it for the last three months of the year and that they would actually fund it through another mechanism for 2007. In this case, you have money in lease/rental and equipment, which isn't for purchasing, it is for leasing. The problem with that is to let those seven Councilmembers know that you're actually buying a piece of equipment, and let them come on board to buy that piece of equipment. If we would spend all that money in lease/rental, and we come to November or December and we have to go out and contract for snow plows and things like that nature, I want them to know what decision they've made and where the money is.

Mike Duckworth: I understand.

Ted C. Ziemer, Jr.: The other thing that I wanted to point out, and we do have to have this on the record of the meeting, we're doing this without bidding. It falls in excess of the limit that would allow us to do that. However, based on a document which was submitted to me and to the Commissioners by the Superintendent of County Highways,

it is my opinion that we can do this purchase as a special purchase, thereby obviating the necessity for bidding in that it represents (1) under 5-22-10-5 “substantial savings to government that would not be available otherwise”, and (2) it’s a special item of equipment which only has one source at this point in time. So, I want that made a part of the record, and then, Madelyn will want to show as part of the minutes this statement that we have from Mike Duckworth to support that.

“Dear Commissioners, For the past several months I have searched numerous companies by telephone and e-mail requesting information on availability of a crane truck. Specifications for this equipment included a 2004 model or newer and a minimum 17 ton capacity with a good overall condition and competitive cost, preferably under \$100,000. Currently the Vanderburgh County Highway Department has three gradalls which lift and move culvert pipe and can do some lifting of sections of large trees that are hazardous to motorists near roadways or a general safety issue for citizens. On Thursday of last week we were notified by Jeremy Eckert of Southeastern Equipment, Inc. of Evansville that he had located a piece of equipment that would enable our department to increase the amount of lifting, the size of trees and culvert pipe that we could handle. As in the past when storms move through this area and damage is done it causes our department to need several pieces of equipment to manage the workload, clear roadways and/or clear debris. This piece of equipment would meet those needs. After reviewing information sent from several companies it was determined that two companies (Runnion from Chicago, Illinois, and Nesco from Bluffton, Indiana) submitted pictures and quotes but the equipment was not comparable to the Southeastern Equipment bid based on specifications such as lifting capacity, overall condition, age and cost. After County Highway Foreman Scot Wischer, County Highway Foreman Dave Hudson (oversees mechanical operations at the Highway Department) and Bridge Crew Foreman Mark Taylor were able to review the information it is our recommendation that we enter into a lease/purchase agreement with Southeastern Equipment, Inc. of Evansville. Below stated are descriptions of the vehicles, capacity, and prices as quotes.

Runnion	2006 Sterling	18 Ton	Chicago, IL	\$161,000
Runnion	1999 Volvo	21 Ton	Chicago, IL	\$ 89,900
Nesco	2005 National	23 Ton	Bluffton, IN	\$182,900
Nesco	2002 Volvo	21 Ton	Bluffton, IN	\$149,000
Nesco	2004 Sterling	26 Ton	Bluffton, IN	\$154,000
Deeds	No Bid		Indy, IN	
South Eastern	2005 Freightliner	17 Ton	Evansville, IN	\$ 90,000

After reviewing these quotes it is my recommendation to the Commissioners to grant permission to enter into a lease/purchase agreement with Southeastern Equipment, Inc. of Evansville under the provision provided by the State of Indiana “Special Purchase” conditions under purchasing guidelines which were provided to me by Mr. Ted Ziemer Vanderburgh County Attorney. Finally, this agreement would enable the Vanderburgh County Highway Department to purchase this equipment on a lease/purchase agreement which would include \$45,000 this year from budget line item 2160-3630 and \$45,000 out of the 2008 budget. I have discussed this purchase with Marsha Abell, but after speaking with Teri Lukeman with the Auditor’s office and Sandie Deig with the County Council I have made a request to attend the County Council

meeting on Wednesday, July 25, 2007. I am requesting that the Commissioners approved the lease/purchase pending the County Council approval. Respectfully Submitted, Michael J. Duckworth, Superintendent, Vanderburgh County Highway Department."

Mike Duckworth: I did do price checks, and all of those were out of town companies, because there are not local companies that I've found to have a used piece of equipment in this shape with this kind of a lifting capacity. Those other quotes that I got from the other companies were either equipment of much more age and use, or they were almost 40 percent higher in price. So, this is truly a good deal if we can get it taken care of.

Commissioner Tornatta: Mike, I guess, as part of the purchase, that's however you can buy it. If you buy it, if you're able to do it on a lease to purchase, then that's fine as well. I'm sure the Council will have a lot more to say about that.

Mike Duckworth: I also appreciate Mr. Ziemer telling me the fact that, putting it on the record that because it's over the \$75,000 threshold right now, that we could go ahead and do this. Down the road I know that the State of Indiana has changed that amount, and I would ask that this Commission consider going with the state law that raised that amount from \$75,000 to \$150,000 to actually have to go out on bid.

President Nix: Okay, are we clear on everything now? Okay, thank you, Mr. Duckworth. Do you have anything else to report?

Mike Duckworth: No, thank you.

President Nix: Okay, thank you. The next action item is lease agreement between the Old Courthouse and the Public Library. I didn't know, Ms. Nichoalds, if you wanted to address that? Or, Mr. Ziemer first?

Ted C. Ziemer, Jr.: Well, she sent it to me, I'll just tell you what she told me. This is a lease between the county and the Evansville-Vanderburgh Public Library of space B-10, which is in the basement for \$211 a month, or whatever that is times twelve per year. They will use it to store file cabinets in which they keep newspaper archives. The lease is for one year. There's no security deposit, and I think that covers it.

Commissioner Tornatta: Motion to approve.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

**County Engineer**

President Nix: The next item, are there any department head, anyone from any of the departments to report. Mr. Seib?

Patrick Seib: Good afternoon.

President Nix: Turn the mic on.

Patrick Seib: Good afternoon. Welcome, Commissioner Whicker. Patrick Seib, Assistant County Engineer. The first item I have is a request to approve right-of-way purchase offers on four of our on going projects. The first project is Green River Road; parcel one we have Schnepfer for \$31,400; parcel seven is Vowels for \$1,850; parcel nine is Keystone Homeowners Association, Incorporated for \$13,650; parcel 19, Wagner, \$300; parcel 24, J.J. Brodi, LLC, \$112,500; parcel 29, Logan, \$2,500; and parcel 31, Barfield and Kirby, \$29,800. On Cross Pointe Boulevard we have parcel number 3, S. Properties, LLC for \$35,600. On University Parkway we have parcel three, Mildred Mueller, \$74,200; parcel eight, Rueger, \$16,350. On the Oak Hill and Bergdolt we have parcel five, Ault, \$850; parcel number nine, Young, \$1,000; and parcel 11, Cox for \$13,000.

President Nix: Questions from the Commissioners?

Commissioner Whicker: None.

Commissioner Tornatta: Move approval.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Patrick Seib: My next item is to request approval of the notice to bidders for project number VC07-07-01, St. George Bridge Rehabilitation. I spoke with the design consultant earlier this morning, he said he did not have the DNR permits, but he did have verbal approval from them. He suggested that we wait a week before we advertise. So, the motion would be to advertise on August 3<sup>rd</sup>, August 10<sup>th</sup> and bid openings would be on August 21<sup>st</sup>.

President Nix: And that would be pending approval from DNR?

Patrick Seib: Pending the DNR permits, correct.

Commissioner Tornatta: Move approval.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

Patrick Seib: The next item is to request approval of two unit price options for a future change order for mail box relocations on the Bohannon Estates Barrett Law road project that was not included by the design consultant in the original plans. One option is to reinstall the existing mailboxes at \$270 each. The other option is to use new posts for the permanent installation once the construction work is done, and that is at \$310 a piece. Both options include all necessary labor and materials for temporary relocations during the course of the project. This would be something that once

construction gets underway we can go out to the homeowners and ask them, "Are you wanting to keep your existing mailboxes? Yes or no?", and get a final tally and come back at the end of the project and do a final change order on it. So, this would just be approval on using those two prices in that change order in the future.

Commissioner Tornatta: So moved.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Ted C. Ziemer, Jr.: Question, these won't take us though over the estimated cost of the project that we approved when we established the bond issue?

Patrick Seib: No, I ran the highest numbers and we're still underneath the total amount.

Ted C. Ziemer, Jr.: Okay, good. Thank you.

Patrick Seib: Next is to request approval of change order number one on project VC07-01-01, the Bohannon Estates Barrett Law project. This is for 35 feet of sanitary sewer line to be installed under one of the roads that was not originally a part of the original project. The price is for \$2,275. This wasn't included as part of the original project, but is being done in advance of another Barrett Law sanitary sewer project out there. This is to avoid having to open cut the brand new road that we build, and it's also to avoid having to bore underneath the roadway. So, we'll have a future net savings of approximately \$6,000.

President Nix: Questions from the board?

Commissioner Tornatta: Move approval.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Patrick Seib: Another request for change order number two on the same project. This is for an additional four square yards or rip rap to be placed at the outlets of the culverts. There again, not included by the design consultant in the original plans. The total cost of this change order is \$740.

Commissioner Tornatta: Move approval.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

Patrick Seib: My last item is to request approval of a late blue claim for partial payment to be made to BMB, Incorporated. This is for the Aabel Park Barrett Law sanitary sewer project. The amount is for \$100,000. I spoke with Ted and Bill Fluty earlier this morning, and they assured me that everything was in order to be able to do this.

Commissioner Tornatta: So moved.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Patrick Seib: That's all I've got unless you've got any other questions.

President Nix: Thank you, Mr. Seib.

Commissioner Whicker: Thank you.

President Nix: Have a good evening.

Patrick Seib: You too.

President Nix: Any other department heads to report?

<b>New Business</b>
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President Nix: If not, is there any new business? Good afternoon, Mr. Rector.

Dave Rector: Good afternoon, Commissioners, and as everyone else, Commissioner Whicker, welcome.

Commissioner Whicker: Thank you, sir.

Dave Rector: A request from EPD to the Building Authority to use the third floor of the old jail rec yard ,interior rec yard for what they call defensive tactics and simunitions. This is a required training by law, they tell me. The training would be conducted on all three shifts. It's, well, I'm just going to say what the Sheriff calls it, a "butt whipping" school, is basically what it is. Simunitions is building clearing and searching techniques. Building Authority does not have a problem with it, but since the Commissioners pay the rent on that space, I thought we would run it by you. I don't know that we necessarily have to bring it to the meeting, but in playing it safe, I thought it would probably be wise to. Of course, the EPD is aware that we have plans on what's going to happen up to the old jail and this may be temporary, but for whatever period of time they would like to use it, because right now they're using the Y, and when they're in academy downstairs, they've got to pack up, go over to the Y, then come back and it loses time. They feel like it would be a lot easier if they could just do it right here within in the building.

Commissioner Tornatta: Motion to approve.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Dave Rector: I'll let them know. Thank you.

President Nix: Thank you, Mr. Rector. Have a good evening.

Dave Rector: Thank you.

President Nix: Any other new business? Excuse me.

<b>Old Business</b>
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President Nix: Any old business?

<b>Public Comment</b>
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President Nix: Any public comment? If not–

<b>Consent Items</b>
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Commissioner Tornatta: Motion to approve the consent items.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Tornatta: Motion to adjourn.

Commissioner Whicker: Second.

President Nix: All in favor?

All Commissioners: Aye.

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

**CONSENT ITEMS:**

**Commissioners:**

Approval of July 10, 2007 Commission Meeting Minutes.  
EPD: Waiver of Centre Fees, not OT: Hiring Ceremony 8/13/07.  
2007 County Dental Clinic Payment.  
Evansville ARC: June activities report & June 20, 2007 board meeting minutes.  
Department Head Meeting Notes: July 10, 2007.

**Employment Changes:**

Health Department (2)	Burdette Park (4)	Armstrong Assr. (2)
Public Defender (1)	Circuit Court (2)	Treasurer (1)
County Assessor (1)	Commissioners (2)	Scott Assr. (1)
Superior Court (2)	Union Assr. (1)	VCCC (1)
County Highway (2)		

**Travel Requests:**

Health Department (1)	Treasurer (1): Blue Claim for previously approved request.
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**Auditor:**

Aabel’s Park Barrett Law Assessment Agreements (21).  
Submission of Statements of Salaries & Wages (Form 144's) for Review.

**Weights & Measures:** Monthly Report: 6/15-7/15/07.

**County Clerk:** Monthly Report: May 2007.

**Treasurer:** Monthly Report: June 2007.

**Purchasing:** Monthly Report: June 2007.

**County Engineer:** Pay Request No. 31: Burkhardt-Green River TIF Projects.

**Surplus Requests:**

The Centre: (2) washers and (2) dryers.  
Coroner: computer, monitor, keyboard and mouse.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

**Those in Attendance:**

Bill Nix	Mike Whicker	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Wilbert Robinson	Sherrell Marginet
Eric Williams	Mike Duckworth	Pat Seib
Dave Rector	Others Unidentified	Members of Media



**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS:**

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**Bill Nix, President**

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**Mike Whicker, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
AUGUST 14, 2007**

The Vanderburgh County Board of Commissioners met in session this 14<sup>th</sup> day of August, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, August 14, 2007 at 3:30. I will start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you would, join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Open Bids: VC-30-2007:  
New Weapons & Accessories for Vanderburgh County Sheriff Office**

President Nix: The first action item is opening of bids of VC-30-2007. This is new weapons and accessories. I understand we would like, if everything is acceptable today, possibly get this approved so that we can get this sent off. So, if you want to go ahead with that Mr. Ziemer. The next action item is—

Ted C. Ziemer, Jr.: Excuse me. You want to have a motion and a second to authorize this.

Commissioner Tornatta: Yeah, so moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Sorry.

**Proclamation for Kevin Winternheimer**

President Nix: The first action item is a proclamation for Mr. Kevin Winternheimer who passed away last week. I've known Kevin for quite a few years. He and I served together on the Board of Public Works back in the early 2000's, and just a gentleman, and just a great guy, great personality. He always seemed like he had

the right answer for everything. He'll be sorely missed. I didn't know if Commissioner Tornatta wanted to read the proclamation.

Commissioner Tornatta: Likewise, Kevin, he was probably one of the foremost minds in government, as far as just how things worked, and really did add a lot to whoever he touched. So, this proclamation;

"Whereas, Kevin Winternheimer served four city administrations and one county administration as a legal advisor; and, Whereas, Kevin Winternheimer gave nearly three decades of his life to serving the citizens of Vanderburgh County and the City of Evansville by providing leadership in government; and, Whereas, Kevin Winternheimer provided legal counsel that enabled elected officials to represent their constituents and serve the citizens of Vanderburgh County and the City of Evansville to the best of their ability; and, Whereas, Kevin Winternheimer passed away on Tuesday, August 7, 2007. Therefore, in honor of this dedicated public servant, Tuesday, August 14, 2007 is herewith proclaimed as Kevin Winternheimer day in Vanderburgh County, Indiana."

President Nix: Thank you, Commissioner.

<b>County Assessor: Update on DLGF Letter</b>
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President Nix: The next action item is from the County Assessor. This is an update on the DLGF letter. Mr. Jonathan Weaver is here to address this. Good afternoon, or, yeah, good afternoon.

Jonathan Weaver: Good afternoon. Jonathan Weaver, Vanderburgh County Assessor. We received that letter. Last week we sent out our personal property and our real estate data to the DLGF. I'm expecting to hear back by Labor Day. I think that's a reasonable amount of time. They said wait a couple of weeks. I guess, they announced last week also that Vanderburgh County doesn't have to reassess. So, we're very happy about that. We didn't expect to be ordered to do that. So, this is where we stand.

President Nix: To the best of your knowledge then, do you feel like we're in compliance at this time?

Jonathan Weaver: Yes.

President Nix: Okay.

Jonathan Weaver: Yes, we sent that off, and, again, we'll hopefully hear by Labor Day.

President Nix: Okay.

Commissioner Tornatta: I would like to just charge you with getting with the Township Assessors and then giving us an update periodically on how we think we're going to get this big task done. I would like to know where we are in the process, so, if we need to intervene in any way, shape, or form, then we can be there to help.

Jonathan Weaver: Okay, thanks. We have 9,500 appeals. We eclipsed the 1,000 mark. I would like for them to speed it up.

Commissioner Tornatta: 10,000 mark? You said, 9,500?

Jonathan Weaver: Yeah.

Commissioner Tornatta: Oh, you got 1,000 done?

Jonathan Weaver: We've finished 1,000 of those 9,500.

Commissioner Tornatta: Okay, okay.

Jonathan Weaver: So, we have 8,500 to go.

Commissioner Tornatta: Sure.

Jonathan Weaver: You know, the taxpayer wants that corrected on their November bill. So, we need to pick up the pace a little bit. Hopefully, we can get that done. The commercial and industrial trending for 2007 pay '08 will be finished September 1<sup>st</sup>, or there's a \$1,000 a day penalty in that contract. We hope to be sending the trending on September 17<sup>th</sup> to the state. So, we're hoping the townships step it up and finish the residential by that time.

President Nix: Any other questions? Appreciate your help on this. Like I say, if we can get an update every so often, it would help the Commission out tremendously.

Jonathan Weaver: Okay. Can I say one more thing?

President Nix: Sure.

Jonathan Weaver: We recently, today we received a letter from the Public Access Counselor from the Governor's office, I guess, saying that we've denied access to public records. The offices involved; Knight Township, my office. We have done nothing wrong. We've given all the information we can to this attorney in town. You know, we burned a CD-ROM. So, you'll be probably hearing about that over the next 24 hours.

Commissioner Tornatta: Okay.

President Nix: Okay, thank you.

<b>Vote on Proclamation for Kevin Winternheimer</b>
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Commissioner Tornatta: We need to go ahead and move that the proclamation for Kevin Winternheimer, for "Kevin Winternheimer Day", be entered into the record.

President Nix: I second that. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

**Reading of Bids for VC-30-2007**

President Nix: Mr. Ziemer, do you have the bids ready for this?

Ted C. Ziemer, Jr.: I do. Excuse me, I do, but I've got a couple of questions. Where is Eric?

Eric Williams: Eric Williams, Vanderburgh County Sheriff.

Ted C. Ziemer, Jr.: Sheriff, the bid specifications indicate that we will be purchasing, let's see, it doesn't say how many, at least I don't think it does of each of these?

Eric Williams: It does not. It's a single item with a total quantity, but we wanted them to bid—

Ted C. Ziemer, Jr.: Total quantity is 140, is that—

Eric Williams: It's probably right at 140. A lot of it was going to depend on how it came back in price.

Ted C. Ziemer, Jr.: Okay, so, what we have is a price per weapon?

Eric Williams: Right.

Ted C. Ziemer, Jr.: So, you would then go through these and decide how many?

Eric Williams: It would be very, very quickly to go through, and it will be a pretty easy decision to make. Basically, it's budgetary, and there's very little flexibility on quantities on those weapons right now. So, one to several hundreds and hundreds of them was going to be the same.

Ted C. Ziemer, Jr.: Okay, my other question is, I understand the allowance they're giving on trade-in's for 6R Smith and Wesson, and Smith and Wesson, then it's got a buy back price each?

Eric Williams: Correct.

Ted C. Ziemer, Jr.: What is that?

Eric Williams: Basically, it works, and this to some may sound quirky, but to those of us in this field, we become very attached to our sidearm. It's one of the most critical pieces of equipment we carry. So, as we, as law enforcement agencies, and this is what we do when we transition the weapon we're currently carrying, we offer an opportunity for the deputy that had that weapon assigned to them for the last ten or 12 years to buy that weapon back at the same rate that they are going to pay the county for it. That way if the weapon transfers through a licensed gun dealer, and then they transfer it back to the deputy for his private ownership. The county's net effect is they get the buy back price. The deputy basically gets first dibs to buy back his issued weapon.

Ted C. Ziemer, Jr.: Okay, and the, we only have one bid, and I'm looking for the name of the—

Eric Williams: It's probably Kiesler's out of Louisville, Kentucky.

Ted C. Ziemer, Jr.: Okay, Kiesler Police Supply. Okay, thank you. Commissioners, we do only have one bid from Kiesler Police Supply in Jeffersonville. Well, yes, and their bid consists of variously described weapons with a per each price, ranging from \$424 for some Glocks. Then there is—

President Nix: I think he's a novice.

Ted C. Ziemer, Jr.: Very much so.

Eric Williams: That would be Glocks 37's and 38's.

Ted C. Ziemer, Jr.: Right, exactly. Then there are trade in allowances for the 6R Smith and Wesson 5906 and Smith and Wesson 6906, and by back prices listed for those. Since there was only one bid, I won't read those into the record, but, since there is only one bid, I think we could have the Sheriff look at these during the meeting, and then determine whether we want to award or not.

President Nix: I'll entertain a motion.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. We will see you back here in just a little bit?

Eric Williams: Thank you all.

President Nix: Okay.

Ted C. Ziemer, Jr.: Thanks.

### **Youth Care Center Update**

President Nix: The next action item is the Youth Care Center update. I understand Mr. Phil Heston is here today representing Youth Care.

Phil Heston: Well, this is a surprise visit. You can tell I wore my walking shoes so that I can get out of here fast. I want to apologize, or ask for forgiveness to start with on behalf of the board of the directors of the Evansville Rescue Mission. Up until about four months or so ago, each of our monthly meetings we had been assured that everything was basically on a positive note as far as construction, staff, etcetera. It wasn't. We were a little bit naive, and none of us individually spending a lot of time over there. This is approximate, but about three or four months ago, why Roger Mason, who you all know very well, was called on to help come back to the mission. Of course, I knew Roger because I've been on the board at the mission for over 30 years. Now, having said that, Roger jumped in and has put together a wonderful staff. Quite a number of them are behind us. The construction costs, when the board of the Evansville Rescue Mission voted, and I was one of them voting for it to go along with this situation, we were talking about \$1,400,000 construction costs.

The Rescue Mission put in \$700,000, the county put in \$700,000. We work in partnership. The construction costs are coming in at about \$450,000 over budget. It's almost obscene as far as the Mission is concerned, but we've dug deeply into endowment funds, things have been paid for. A man by the name of Dave Kishline on the board and I were called in, as you all very well know, some of the security issues over there weren't on a positive basis, and the girls section wasn't done. There was bids, we had been told to put the girls section back together it was going to cost maybe \$35,000. We got bids about close to \$120,000. Dave Kishline and I have been working on it. Those are just, most of those things you all know. Now, on a positive note, September 1 we are off and running. The girls section will be open, we'll be open for business, it's already staffed by our staff here, has been for a month or a month and a half. They've been doing other things and in training. The security is basically up to date. We found a lot of the door closures and different things were put on a very inferior quality. They've all been replaced. We're feeling good about it. We have been checked, and have passed a recent, surprise inspection. Congratulations to our staff. Physically, come over September 1, but if you want to make a surprise visit and come over tomorrow, we're close enough that we're not going to be embarrassed. Thirty or 60 days ago, I'm going to use my walking shoes and get out of there. Dave Kishline was supposed to make this little presentation today on behalf of the Youth Care Center. I just heard he cut his hand. So, that left me. So, sorry you got stuck with me. But, if any questions that I can answer or try to answer, and I might have to turn right around to the staff and Roger and so on and see what they can do.

President Nix: Questions?

Commissioner Tornatta: I don't, coming back from the Council, I wasn't on board for this project. It wasn't for any reason who was behind it, or who was working with it, but very rarely do you have a group that admits when they have maybe taken their eye off the ball. That's very comforting that you guys were able to do that and then rectify the problem without coming by and crying foul to the county. I do appreciate that. I think Roger, although I don't know Roger very well, I've followed him as he's done things throughout our city and county, but very nice to have him back. He's been out at Christian Fellowship Church, and that's where I've been for a long time.

Phil Heston: I've been there since day one, by the way.

Commissioner Tornatta: Yeah, and so you've got a good guy at the helm. It's just nice to know that things are getting back in order, and that you guys took the responsibility to make things right.

Phil Heston: Well, we've got Brian Cook back with us. Brian worked at the Mission years ago, and his immediate presence, and he's been back about three weeks, I and others have been working with him, and he's coming on stream fast. I'm impressed. He's a good listener. Then he's a good talker, he speaks up on our behalf. So, it's good. Good relationship.

Commissioner Tornatta: I'm glad, and I think the Judge is glad to see things underway. Obviously, the reason we want this to work is because we're keeping families close to home, and we do want to see that. So, all I say, coming from a Council background is that if we can keep things as in order as we can financially, we'll be backing it all the way.

Phil Heston: Well, and we're probably looking at the original structure. There was an add-on for all this thing we're off target on. But, there's five or six million dollars worth of building there. It's not just this add-on for what we're doing now. So, it's a total structure. We want it to work. Our Christian beliefs and preaching the Gospel message, which we will do, and we thank you for the contract and the opportunity, because the love and caring for these boys and what will be in a few days a girl or two or three or up to five, we'll take care of them.

President Nix: Thank you very much.

Commissioner Tornatta: Thanks.

President Nix: Thank you, Mr. Heston.

<b>Khris Seger: PTABOA Update</b>
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President Nix: The next action item is Mr. Khris Seger on the PTABOA.

Khris Seger: Good afternoon.

President Nix: Good afternoon.

Khris Seger: My name is Khris Seger, and I'm the Commissioners appointment to the Property Tax Assessment Board of Appeals here in Vanderburgh County. For the last several years, I think three years now, I've been, had the honor of serving as the president of that board. I'm here today at your invitation to give you a little bit of a status update as to where the board stands now with regard to appeals and of progress of resolution of those appeals. Mr. Weaver was up here a moment ago and he touched on this briefly, and I'll just re-state that, to date for 2006 we have roughly 9,500 property appeals, those including real property and personal property. Jonathan gave me an update earlier, and he mentioned it too, to the board or to the Commissioners here, that we are, we have seen through 1,050 appeals, approximately, that have seen resolution either by way of agreement with the townships and the taxpayers or have come to the Property Tax Board for review and for resolution. Briefly, I can give you a run down as to what the appeals breakdown is for the various townships. We're looking at approximately 90 appeals in Armstrong Township, Center Township about 200, German we have 67, Union, 80 appeals, Perry we have 900, Scott Township we 137. Then the last two townships, Knight and Pigeon, which make up the majority of our appeals, for Knight we've got 4,363, and in Pigeon we have roughly 2,500 appeals. Now, I know that the County Assessor's office is encouraging the townships to process these as quickly as possible, and too I know the townships are diligently working on getting those processed and to our desks for issuing notices and resolutions on those. Presently the townships are working to find agreement with the taxpayers. Where an agreement is reached, they pass that on to us and we issue a notice to the taxpayer of the changed assessment. Then in cases where we find that the taxpayer and the township cannot come to resolution, those are being forwarded on to our table, to the PTABOA for review and resolution. At this point we're looking at about 207 that are pending pre-hearing with the County Assessor's hearing officer, and processing about 25 of those a week. So, we're ramping up as the appeals are being heard by both the township and the hearing officer of the county board. As I know Jonathan has expressed to the taxpayers and to the townships, I would like to express too that the board would like to see the taxpayers be proactive about their own appeals by



getting evidence in to their township assessor and to the County Assessor's office when those pre-hearing notices are sent out, so that we can process those and give due diligence to the taxpayers.

President Nix: Can you summarize, just kind of in a nutshell, when it gets to PTABOA how do you get to where, how do you end this, or how do you resolve it?

Khris Seger: Typically what happens when it comes to our desk we set a hearing, a pre-hearing, and then our hearing officer will meet with the taxpayer, collect evidence on those issues they've outlined in their appeal, and we'll try to reach some agreement there. That hearing officer will make a recommendation to the board. Provided we can come to an agreement there, then we'll issue a notice of change in assessment.

President Nix: What evidence is good to bring at one of these if someone is going to appeal this? Adjacent properties, what other items would there be?

Khris Seger: Any evidence that is going to support the value of the property. So, if it's the neighboring assessments, the neighboring properties assessment, or perhaps a sale on similar properties, that's all welcome. If they have an appraisal.

President Nix: Okay. Questions? Thank you very much, Mr. Seger.

Khris Seger: You're welcome.

#### **Award of VC-30-2007: Weapons & Accessories for Sheriff Office**

President Nix: I think Mr. Ziemer has some information, I guess, on the bids that we opened?

Ted C. Ziemer, Jr.: Yes, thank you. Sheriff Williams has reviewed the bid of Kiesler Police Supply Company of Jeffersonville, Indiana, and finds it to be in order, and that it would meet the needs of the Sheriff's Department. So, there is no legal reason why you could not accept this bid at this time.

Commissioner Tornatta: Motion to accept the bid.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. So moved.

#### **Dennis Au: Old Courthouse Foundation Update**

President Nix: Next action item is Mr. Dennis Au from the Old Courthouse Foundation. Dennis is here to give us an update today on where we're at with everything over at the Old Courthouse.

Dennis Au: I'm Dennis Au, the president of the Old Courthouse Foundation. Thank you for this opportunity to inform you of what we are doing with probably the most important architectural treasure in the county, the Old Courthouse. Probably the most exciting thing that we've been doing is we contracted with Veazey Parrott

Durkin Shoulders of Evansville and Ratio Architects of Indianapolis to put together a master plan for the Old Courthouse. I have passed out a boiled down version of it for you here. The document is actually much longer. The Old Courthouse Foundation paid for this with our own money. There is no taxpayer funds involved in this. It cost about \$25,000. For \$25,000 the architects basically described the architectural needs of the Old Courthouse, existing conditions of the site, and of the building, the mechanicals and code considerations. They did, as you'll see in the material that I passed out, they zoned the building according to historic importance. There are some areas of the Courthouse, obviously, like the attic and the sub-basement that have very little historic importance, and we would say that it's almost a free for all zone. Yet, there are other areas, like the public corridors and the old superior courtroom which we believe demands careful consideration, if there are any plans for renovation. There's some recommendations, and we've copied the recommendations, you have them in your hands. Then, the architects did do some prioritization of things that need to be done. We put this together because we feel that this will help encourage sensitive renovation in the future. It will encourage appropriate things to be done, and will help organize how it's done one thing after another, so we don't put the cart in front of the horse. And, so, that whatever is done is understood to be a part of a larger plan. Also, one of our hopes as a foundation is that we can raise some private and foundation money to help with the renovation of the Old Courthouse. Raising money without a plan is practically impossible. So, we felt that this is step number one in that direction. Moving on from that, we are in the initial stages of implementing part of this plan. Thanks to a \$100,000 appropriation from the County, we are looking to renovate the Wedgewood Room. That's the room that was used for receptions, weddings. Next week we have a meeting with the architects to discuss their proposal on how to move forward with this. We hope to have this on the fast track. We're excited about this. Indeed one of our plans we're excited about having, I'll start with the Wedgewood Room, we hope that in any fund-raising efforts in the future, that we can bring people into an event in this room to show them how we can turn the Old Courthouse around into being one of the most attractive, important buildings in Vanderburgh County. Other counties, Allen County in specific, has in their renovation efforts, raised over half of the money they needed to renovate their courthouse from the private sector. So, that's where we're at at the moment. We're just on the cusp of actually starting the renovation efforts, and we're very excited about it.

President Nix: Questions?

Commissioner Tornatta: Everything sounds good.

President Nix: Mr. Au, I really appreciate your time on this. I know you've put a lot of time and effort into this, along with the other board members, and we really look forward to getting this thing kicked off. Is that meeting next week? Or is that this—

Marissa Nichoalds: A week from Thursday.

President Nix: A week from Thursday, okay.

Dennis Au: A week from Thursday.

President Nix: With the architects. Hopefully, we can get a bid package together and get the Wedgewood Room going at that time.

Dennis Au: Right, my heart is truly in this project.

President Nix: Yeah.

Dennis Au: Thank you for the opportunity.

Commissioner Tornatta: Thank you.

**Second/Final Reading of Ordinance: CO.07-07-009:  
Amending Chapter 1.14 of the Vanderburgh County Code of Ordinances**

President Nix: The next action item is the second and final reading, this is an amendment to chapter 1.14. This is enforcement of ordinances. At this time I would like to ask for public comment on this. If none, is there any questions or concerns from the board? I will entertain a motion.

Commissioner Tornatta: Motion to approve.

President Nix: I second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

President Nix: Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes. It passes.

**Closing Documents for Aabel's Park Barrett Law Bond &  
Resolution: CO.R-08-07-010: Authorizing the Issuance of Bonds**

President Nix: The next action item is the closing documents for the Aabel's Park Barrett Law bonds. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, thank you. Earlier, by e-mail, I sent each of the Commissioners and the Commissioners office various documents needed to finally close the bond issue for the Aabel's Park Barrett Law project. You've had an opportunity to review those. In addition, there was one resolution not touched on in that e-mail, and that had to do with this, that Old National Bank, who is the purchaser of the bonds, in trying to develop re-purchase agreements deems it advisable that the principal payments be made semi-annually instead of annually, and then also they wish to obtain approval from the Commissioners for payment of the cost of issuance. I've provided you with a copy of that resolution, and, so, what I ask is that you approve all of the closing documents that were forwarded to you by e-mail, and the additional resolution.

President Nix: Questions from the board?

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: Thank you.

**Resolution CO.R-08-07-008: Hwy 41/Baseline Road TIF Expansion &  
Resolution CO.R-08-07-007: Creation of University Parkway TIF**

President Nix: The next action item is resolution CR-, excuse me, CO.R-08-07-008, and this is approval of the Highway 41/Baseline Road TIF expansion. Mr. Ziemer?

Ted C. Ziemer, Jr.: Thank you. As you know, we have been working on, with the County Redevelopment Commission, the establishment of a new University Parkway TIF and the expansion of the Highway 41/Baseline Road, or better some people know that better as the Azteca TIF. Resolutions establishing the new TIF and expanding the 41 TIF were adopted by the Redevelopment Commission. Subsequently, and in conjunction with the adoption of those resolutions, economic development plans for both areas were reviewed and approved. The declaratory resolutions were then submitted to the Area Plan Commission for review by the Plan Commission to see whether or not they were in accord with the development plan for Vanderburgh County. On August the 9<sup>th</sup> the Area Plan Commission adopted two resolutions finding that the resolution regarding Highway 41/Baseline and the resolution of the Redevelopment Commission regarding University Parkway did, in fact, meet the development plan of Vanderburgh County. The next step in this process is then for the Commissioners to adopt resolutions approving the action of the Redevelopment Commission. You have copies of those resolutions before you, and, if you wish, they could be approved and signed today.

President Nix: Okay, I guess, do we want to go ahead and approve just, initially, the Highway 41/Baseline first? I guess, for the record?

Commissioner Tornatta: However you want to do it.

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

President Nix: One at a time.

Ted C. Ziemer, Jr.: That's fine. That one would be resolution number CO.R-08-02-008.

Commissioner Tornatta: O7.

President Nix: O7.

Ted C. Ziemer, Jr.: Wait a minute. That's, seven is University Parkway. Eight is, Madelyn, have I got this right?

Commissioner Tornatta: No, no, you said 02-008.

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

President Nix: I'll entertain a motion.

Commissioner Tornatta: We'll approve resolution CO.R-08-07-008, approval of the Highway 41/Baseline TIF expansion.

President Nix: And, I second that. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Commissioner Tornatta: Next, approval of the resolution CO.R-08-07-007, approval of the creation of the University Parkway TIF.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: Well done.

Commissioner Tornatta: Thank you.

**Permission to Advertise: Notice of Public Hearing:  
Vacation of Royal Oak Drive**

President Nix: The next action item is the Auditor, permission to advertise notice of public hearing of vacation of Royal Oak Drive. The ad is dated 8/17 of '07, and the public hearing will be on 8/28.

Ted C. Ziemer, Jr.: Excuse me. I have reviewed the petition and accompanying documents files by Bernardin Lochmueller and Associates in connection with the vacation of Royal Oak Drive. They've sent the appropriate letters to all affected utilities. Vectren, EMC and Insight Communications indicated that they would need, for their purposes, to have easements retained for lines, poles, wires, piping, etcetera of Vectren, EMC and Insight Communications. I have worked with Bernardin Lochmueller to revise both the petition and the ordinance to provide for making the vacation subject to those easements, so, it's satisfactory to go forward with at this time.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

**Discussion of Speed Limit on Kissell Road**

President Nix: The next action item is the discussion of speed limit on Kissell Road. Is there anyone here today to address this? Please step forward and say your name and your address for the record, please.

Raven Brust: Hi, my name is Raven Brust. I live at 2800 Kissell Road. Okay, the reason I came today is because the speed limit, and, first of all, they just repaved that little road. It's about .4 miles long, one lane, hilly. They've repaved it. It looks great, by the way. They put up speed limit signs. Well, I've lived there my whole life, pretty much, and the speed limit, we thought, was about 30. But, of course, we didn't go down and look it up or anything. And, the speed limit sign that was put up, one at each end, was 35 miles an hour. Okay, when I called to check into that, they said that it had just been lowered from 45. I have some pictures here that I would like to show you, if you don't mind. Okay, the pictures will tell you what the road looks like. Then, there's a petition underneath that's signed by everybody that lives on that road. So, you can see, if you look at the pictures, how narrow it is. I think it's a safety issue to have the speed limit lowered down to 20. That's what we would like to see it. Like I said, the reason for the concern is safety. The school bus will not go down that road. The Evansville-Vanderburgh County school bus will not go down that road because there is no place to turn around. They're probably scared of meeting a car and not having a place to pull in. My children, as you see, there is no sidewalks, so, my kids have to walk to either end of that road to catch a bus. There are other kids on that road too. So, therefore, they're walking in the road. I don't think that's very safe for them. I'm scared they're going to get hit. The other option is that somebody take them, and I work, I can't do that. There's also hidden driveways in there. Teenagers seem to use that road as a cut off. They fly up and down it. My older daughter was hit pulling out of our driveway last year. The one car that hit her was totaled, and her car had extensive damage to it and was shoved into an embankment, which you can see in the pictures. There's no place to pull off. If you meet a car there, you can't just pull off the side of the road. You have to stop and back up. With the hills you come over, you can't see what's coming over it. If you do 35 somebody's going to get hurt, if there's a wreck. I've got a couple of, I mean, basically we want the speed limit lowered to 20. The other options that I thought of, which are not even feasible were, widening the road, which is going to cost a fortune, or putting sidewalks in, which would add to it too. But, we would just be happy if you would lower it down to 20 and put a few speed bumps if you want.

President Nix: I don't think we—

Raven Brust: Any questions?

President Nix: —well, I don't think we do speed bumps.

Raven Brust: Okay.

President Nix: I'll have to say that. Okay, thank you very much. I would like for Mr. Mills to step forward. Oh, I'm sorry.

Commissioner Tornatta: I wanted to get that back to them, just so they had a chance to look at it before they came up. It was very nice of you to have those pictures.

Raven Brust: Okay.

Commissioner Tornatta: I've got, it looks like 17 family members—

Raven Brust: Uh-huh.

Commissioner Tornatta: —that signed this. How many are on the road?

Raven Brust: Actually, let's see, two, four, six, eight, ten, 12, not counting children.

Commissioner Tornatta: There's 12 houses?

Raven Brust: No, there's only, what did I say, four houses? One, two, three, four, five, six houses on the road.

Commissioner Tornatta: And, everybody on the road signed this?

Raven Brust: Yes, and more.

Commissioner Tornatta: Okay.

President Nix: Any other questions? Thank you. Mr. Mills, if you could step forward please. Good afternoon.

Brad Mills: Good afternoon. We did do a speed study out on Kissell Road, April 4<sup>th</sup> of this year. The key factor that helped to determine what we should post a speed limit is the 85<sup>th</sup> percentile speed. That speed, based on the information that was collected out there is 34.89 miles per hour. So, that would support a 35 mile an hour speed limit. One of the other things at, looking at the photographs that she brought in, one of the recommendations that is done for transportation nationwide to help with traffic calming is to narrow down a road so that people will be uncomfortable traveling at a higher rate of speed and slow down. So, the nature of the road being narrow is in itself a traffic calming type of situation. So, you all can post a speed limit at whatever you wish to post it. However, if you post it at 20 miles per hour, I mean, it's a nice, straight, open road, if there's no one on there to meet up on the roadway, they're going to travel at whatever speed they're comfortable. Unless you have enforcement out there and the Sheriff's Department out there, then it's really not going to solve that problem.

Commissioner Tornatta: Is it, it was just now posted, am I correct?

Unidentified: Yes.

Commissioner Tornatta: Okay, because I had one of your fellow neighbors inquire to me about there was not anything out there at the time. So, there is something out there at the time that was posted, right?

President Nix: Ms. Brust, if you could step back up please. I'm just curious, the signs were just put up in the last few days? The 35, is that correct?

Raven Brust: Actually, it's been three weeks.

President Nix: Oh, they've been up for three weeks. Have you noticed any change at all?

Raven Brust: In the speed?

President Nix: In the traffic, the speed they're driving now.

Raven Brust: No. I don't meet a lot of cars, because I work 12 hour shifts. So, when I leave it's live 5:00 a.m. in the morning, and when I come home it's about 7:30-8:00. So, I personally myself have not seen any change in any kind of traffic. What I'm

mainly concerned about is school starting and the teenagers that cut through. They fly.

President Nix: Okay, can we hold just a second and change the tape?

**(Tape change)**

President Nix: Okay. Mr. Mills?

Brad Mills: One other thing that we could do is allow the traffic to get accustomed to the posted speed limit for a couple of months, then we could go out and study it again. Then we would have some data to see how effective the posting has been. If it's lowered it some, if they're still traveling at the same speed, or even faster, posting it at a lower speed really is not going to solve your problem. But, we would be willing to go back out there, at your request, to study it again in a month or two and see what kind of effect we've had.

President Nix: Would you be acceptable, or would you be agreeable to that for the time being to see if that's going to work?

Unidentified: (Inaudible)

President Nix: If you're going to, you need to step up. Please say your name and address for the record.

Delbert Hozappel: Delbert Hozappel.

President Nix: I'm sorry. Go ahead now.

Delbert Hozappel: Delbert Hozappel.

President Nix: Okay, and what's your address please?

Delbert Hozappel: 2810. I was the only house out there for years.

President Nix: 2810 Kissell Road?

Delbert Hozappel: Yes.

President Nix: Okay, thank you.

Delbert Hozappel: We have a problem, a lot of times in the winter they go sled riding on this hill, because a lot of cars can't get up and down it. But, they fly up and down, like she says, when they come from Fischer Road they go pretty fast and they go down the hill and they come up. That's fine, but you can't see if anybody's coming over the top of that hill from the other way. You cannot do 35 on that road. I've tried it, and it, you just can't do it unless you come from one end.

President Nix: Okay, thank you.

Delbert Hozappel: Thank you.

Commissioner Tornatta: There's a set way that the city and the county, for that matter, goes about this process. One way is to do a study, and then do an 85



percent study on that. Now, the first thing that we do, what we did is, we did get a speed limit sign out there. I think that's going to be very important. A, that tells people, even though there wasn't a sign, it's going to tell them that we are looking at that. It also lets our law enforcement go out there and enforce it. So, I think I know where the President of the Commission is going, and I think what we would like to do is to let that sit for a couple of months, review it at that point. If it's set too high, he'll have the data to be able to lower it, and that will protect us as a county. We also have law enforcement that we will let know that they can go out there and start to enforce the 35 mile an hour rate. I think you've seen it even along school zones, there have been a lot of people pulled over because they are not going by the 20 mile an hour school zone. So, I think we can do this a couple of different ways. I would like to keep consistent throughout the county how we do the process, and not just pick and choose where we're going to throw out speed limit signs. So, hopefully, that will satisfy you for a period of time by which we can then rectify the problem, if there is truly a problem, in the near future.

Raven Brust: Okay, that's okay, but can you give me a time line? When you're going to do it? When you're going to have the results? And when and what do we do if we're not happy with them?

President Nix: Mr. Mills, I didn't know if, you had mentioned something about a month or two. Do we want to wait a month and then take a look at it?

Brad Mills: Yes, I mean, we can do it in another month, would be fine, approximately.

President Nix: Okay.

Brad Mills: Depending upon what other traffic counts we're doing, because we use the same pieces of equipment for our traffic count program. But, we would be happy to program it in in about a month—

President Nix: Okay.

Brad Mills: —and then come back and report to you and provide the information to her and to you as well.

President Nix: Could we communicate with the families that are involved here to maybe have them come back, with our findings at that time then? Would that be acceptable to you all then?

Raven Brust: That would be okay with me.

President Nix: Okay.

Raven Brust: Yeah, if I know when it is, I'll be here.

President Nix: I guess, we just need to get your names and addresses. Well, we've got, I guess, we have those for the record, so.

Raven Brust: I have one question, and I don't know if it's more for you, if you have teenagers driving through there doing...thank you. If you have teenagers driving through there and they're doing like 35 or 40, 35 is the speed limit, let's make them speeding, 40, I don't think you can go that fast down that road, but if they did, and the speed thing that you use picks up that they're driving 40 miles an hour down

there, does that study indicate that that road is sufficient for going 40 miles an hour? I mean, obviously, you can drive 40 miles an hour down it, but is it safe? Will your study tell me that it's safe for my kids to be out on that road when it's 35?

Brad Mills: Basically, what the study does is it records every single vehicle that passes over the piece of equipment that we have in the roadway, and it does not say that it's safe for your child to be out on the road. It's not safe for any child really to be out in the road. You don't want your children out in the road, but it would tell you what the 85<sup>th</sup> percentage of traffic speed would be, which typically is what would be an appropriate speed for that type of facility. If it was a four lane divided highway, of course, they're going to be going very fast, it would show a higher speed. That would be more acceptable. If it was a very winding road, even if you had it set at 45 miles an hour, if it was unsafe to travel at that speed, traffic naturally will slow down. Of course, you will get few people that will go too fast, might have a nice sports car that can go 70 miles an hour, however, if it's inappropriate for that, the average person, or the 85<sup>th</sup> percentile, is what we use, person, would drive at an appropriate speed for the facility that they were on. Does that make sense? No?

Raven Brust: Yes, it makes sense, except that, again, teenagers are driving through there and they're going to speed on through. So, when you do your study, if the average car, 85 percent of the traffic on that road goes 50, we're just going to use that because it's pretty outlandish, goes 50 miles an hour, if eight out of ten of those cars are driven by teenagers and goes 50 miles an hour, your study will show that that is a safe, not safe, forget the safe, but that is the average speed, and you would post it at that. Is that how it works? I mean, I know those are outlandish speed limits, but is that how it works?

Brad Mills: What we do is, we take all of the trips that are on the roadway. So, that would include, as you're pointing out, teenagers that might be speeding. Let me just read through the numbers that we had for the study that we did in April. For 10 to zero miles per hour we had eight vehicles traveling through; 11 to 15 we had nine; 16 to 20 we had three; 21-25 miles an hour we had nine; 26 to 30 we had seven; 31 to 35 we had nine; 36 to 40 we had four; and 41 to 45 we had two. No vehicles were faster than that speed. So, we don't really have anybody, based on this information, that anyone is driving over 45 miles per hour. So, the speed limit that we're suggesting is at 35 miles per hour is the 85<sup>th</sup> percentile of that. So, but, the majority of the trips were 35 miles per hour or less. We only had six cars that were over 35 miles per hour.

Commissioner Tornatta: And that was without a marked sign on the road.

Raven Brust: Yeah, you're right.

Commissioner Tornatta: What we're counting on is that sign is going to affect the traffic flow. If we give it a couple of months, do a study, maybe we'll find out that we're actually in compliance on the road.

Raven Brust: Okay.

Commissioner Tornatta: Okay? But, thanks for the concern, and, I mean, we'll have you back and review it.

Raven Brust: Okay.

Commissioner Tornatta: Okay?

President Nix: Thank you.

Raven Brust: Thank you for explaining it all.

Brad Mills: Sure. You're welcome.

**Health Department: Grant Extension: BPRS Grant Agreement**  
**Health Department: WIC Grant Agreement**

President Nix: Next action item is contracts, agreements and leases. I guess, the first one is the Health Department. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, thank you. We have two grants for the Health Department. One is a bioterrorism grant, and it is an extension of a previous grant. The previous grant was \$45,554. This amendment would increase the amount of that grant by \$7,592, and extend the time for expenditure of the grant from August 31, 2007 through December, no, excuse me, from August 31, 2007 through October 31, 2007.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you.

Ted C. Ziemer, Jr.: The second grant is for a local public health coordinator. Wait a minute, no, no, excuse me, the second grant is for the WIC program, and that's Women's, Infants, and Children's program. The earlier grant ran from October 1, 2006 through September 30, 2007. This is now a new grant extending that from October 1, 2007 through September 30, 2008. This grant is for \$418,516, whereas the earlier grant was for \$407,161. This is a new grant for \$418,000, and it is satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you.

**Update on Vanderburgh County NaCO Prescription Drug Program**

Commissioner Tornatta: While we're dealing with the Health Department, can we check just the totals on our program, NaCO program?

President Nix: Do you have those handy?

Commissioner Tornatta: Our prescription drug program.

Gary Heck: Yes. Gary Heck, Vanderburgh County Health Department.

President Nix: Good afternoon.

Gary Heck: Good afternoon. Vanderburgh County, and this is as of July 30<sup>th</sup>, that's with three months one week reporting, we've had 8,427 utilizers, that's county individuals who have attempted to purchase, or have purchased 17,605 different prescriptions. In 14,373 of those cases, the NaCO prescription drug discount plan was least expensive and saved money. That's 81.64 percent. It saved \$169,667.75, which is an average savings of \$9.64. That is a percentage of savings of 21.77 percent. So, from a county perspective, it's an excellent deal, and you certainly have gotten your money's worth out of your membership with this program.

President Nix: About how many cards do you have out? Do you know that off hand, Mr. Heck?

Gary Heck: Well, I know that all together we had about 60, or excuse me, 37,000 cards, roughly, and about 90 percent of them are actually out in the hands of the pharmacies. We've had two pharmacies that ran through the first 500 they were given, and both of those received a second, and they went through those, and they're on their third allotment. So, there's two stores that are very, very active.

President Nix: Could you tell the public how these cards can be gotten?

Gary Heck: You can go to any pharmacy in Vanderburgh County and they have them at their prescription counter. That's the easiest way. Of course, they are also available at about probably 20 additional sites. Originally Old National Bank branches had them, they were held at the Sheriff's Command Post, they were held out at the Vanderburgh County Jail, they were held at Work One, they are all over the place, and they are all available at the Health Department's website under the National Association of Counties cards.

Commissioner Tornatta: And, Tornatta Tire.

Gary Heck: Did I? Maybe I did bring you some.

Commissioner Tornatta: I got a pack.

Ted C. Ziemer, Jr.: I have a question.

Gary Heck: Sure.

Ted C. Ziemer, Jr.: I know that these are for folks that do not have insurance.

Gary Heck: These are for anybody.

Ted C. Ziemer, Jr.: But, they cover uninsured, they cover, they don't cover drugs that are covered by insurance, as I understand it.

Gary Heck: This particular program is good as long as you are a resident of Vanderburgh County. You can be a millionaire, and as long as your insurance plan doesn't cover this particular prescription drug that you want to purchase—

Ted C. Ziemer, Jr.: That's the question that's been asked me, under the Medicare program, and supplemental plans, there's that donut hole that you might have heard with regard to drug purchases. For example, I don't know the exact numbers, but say it covers drug purchases up to \$2,000, and then there's a period from \$2,000 to \$4,000 where you have to pay it yourself, it's not covered by the drug program. Then, after \$4,000 it kicks back in again.

Gary Heck: Right.

Ted C. Ziemer, Jr.: During that period from \$2,000 to \$4,000, would this program provide benefits?

Gary Heck: My understanding of it is you have the opportunity to use it that way, and it's an individual person's choice, because if they choose to use this card, that means that they're spending less money, and it means their opportunity to get to the \$4,000 where Medicaid picks up again—

Ted C. Ziemer, Jr.: Is slower.

Gary Heck: —is slower.

Ted C. Ziemer, Jr.: Yeah, I got 'ya.

Gary Heck: So, if they know their own personal history, and that they'll never get to that point anyway, then they certainly can choose to use the card.

Ted C. Ziemer, Jr.: I see.

Gary Heck: But, it becomes an individual case by case decision.

President Nix: But, at the same time, it never hurts to present the card every time you pick up a prescription.

Gary Heck: They do. They use it for pet prescriptions, it's just amazing, well, you can see the number of folks that have saved money. It's been a great program.

President Nix: Good.

Commissioner Tornatta: And, they will get the lowest price. No matter whether the card is the lowest price, they will tell them that the pharmacy might have the lowest price.

Gary Heck: Well, yeah, as Commissioner Tornatta said, let's look up here real quick, in 18.36 percent of the time, 3,232 times the pharmacy had the cheaper price. So, that does happen. I mean, for instance there's a pharmacy that sells prescriptions for four dollars, that might be cheaper than what you could get it under this program for. But, it's a certain number of drugs. So, it's a great program. You all did a great job when you selected to go with it.

Commissioner Tornatta: We would like to thank the Health Department for all the hard work they've put into this, and their board's been behind it 100 percent, along with Sam and Doc, and, Gary, we appreciate all you've done in just getting the thing going. I think because we had a collaborative effort, especially with some city, or some County Council people, I think it really made it a positive, worthwhile product.

Gary Heck: Okay, and I didn't give you any of the state wide numbers, but, I think we included those in the reports that we sent to you, and I'll give you these so you can see how Vanderburgh County compares with the rest of the state.

Commissioner Tornatta: We are actually sixth in the nation on this program. Looking through the past, some of the past occurrences and what other state, actually counties in the United States have done, we're sixth out of all the counties. So, we're doing a bang up job on this program.

President Nix: Good. Thank you.

Gary Heck: Thank you.

**Mercy Ambulance/AMR Addendum (Deferred)  
County Highway: Ivy Tech Bookkeeper/Payroll Assessment Agreement  
Superior Court: Copy Machine Lease: VA+F Financial  
Superior Court: ICJI Grant Award Letter**

President Nix: I guess, the next action item is Mercy Ambulance/AMR addendum. I guess, that's not ready at this time.

Ted C. Ziemer, Jr.: That's not.

President Nix: Okay. The next action item is County Highway and Garage, Ivy Tech Bookkeeper/Payroll assessment agreement.

Ted C. Ziemer, Jr.: This would be an agreement between the County and Ivy Tech for providing assessment services for potential employees of the County Garage. Ivy Tech would charge \$210 for potential employee assessment. An assessment would take place at Ivy Tech, and the time would involve four to six hours of the prospective employee's time to be assessed. The expenditure is recommended by the County Highway Department, and I'm advised by Mr. Duckworth that he does have funds that have been appropriated to cover this cost.

Commissioner Tornatta: I would like to move approval.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you. The next action item is Superior Court agreement with VAF Financial, Incorporated for a copy machine lease.

Ted C. Ziemer, Jr.: Yes, they wish, this is a copy/scanning machine, and the lease price for this would be \$498.90 per month for 48 months. I had an original concern about the lease because it did not cover the event of non-appropriation of funds in any subsequent year of the 48 month period. I'm advised by the Superior Court drug program that the payment of these lease payments would be made out of user fees, which are collected by the program at the rate of \$500 per participant in the program, and they would intend to use funds in that user fee account, which doesn't require appropriation by the County Council to make these lease payments. Therefore, I withdrew any objection to the agreement, and it's satisfactory for execution.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you. The next action item is Indiana Criminal Justice Institute grant award letter and drug and crime control division programs, certified assurances and special provisions. Mr. Ziemer?

Ted C. Ziemer, Jr.: Okay. This is a continuation of a grant program. I have reviewed the grants and it sets forth the grant amounts, and I find it satisfactory. The grant amount, federal portion, is \$36,322, and the local match is \$24,215, and I'm advised by Judge Trockman that that amount, the amount of the local match has been appropriated, and the grant will run through December 31<sup>st</sup> of this year.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

<b>County Engineer</b>
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President Nix: Department heads. Mr. Stoll?

John Stoll: The first item I have is a request to approve some right-of-way offers for the Green River Road-Millersburg Road project. The two parcels are; parcel five owned by Dean, and the offer amount would be \$44,900, and parcel 22 owned by Heilman and the offer amount would be \$41,600. Both of these are based on the appraisals that had been completed for this project.

President Nix: I will entertain a motion.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next is a request for a right-of-way offer on the Green River Road project. This is parcel 25 owned by Jeffrey Head, and the offer amount is \$1,500.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next, I've got an amended right-of-way offer on the University Parkway project. The owner is Herschelman, and the offer amount is \$135,200, which is a few hundred dollars less than the amount you had previously approved. They found that there was an error in the appraisal.

President Nix: We like less.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Then, next I have the Green River Road, IDEM Notice of Intent letter that needs to be signed and then submitted to IDEM notifying them of the land disturbing activities for that Green River Road widening.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next, I have another right-of-way offer. This is for the Bromm Road culvert replacement project. The property owners name is Link, and the offer amount is \$1,000.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: The last item I have is a set of amended plans for the Bohannon Estates Barrett Law project for the street repairs. As the contractor progressed with the construction, they had some conflicts with a water main. Basically, the water main wasn't as deep as what it's supposed to be. It has as little as 1.4 feet of cover in some locations. So, the engineer, Easley Engineering, had to go back and make some modifications in order to miss the water main, in order to avoid a costly and lengthy process of getting that water main relocated. In doing so, they have amended the plans to change the ditch grades and ditch side slopes for the ditches along Bohannon Drive. Basically, the ditch side slopes are being switched from four to one to three to one side slopes, and then the ditch grades will be shallowed up in order to provide some additional cover on the water main, as well as the water services across the road. It will also necessitate changing, I believe it is three culverts to 12 inch pipes, where they previously had shown 15 inch. But, all in all,



based on the water main problems, it sounds like this is the only way we could avoid the relocation of the main. So, I would recommend approval of the plans as amended by Easley Engineering.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Appreciate your time on that the other day too, meeting with the families out there.

Ted C. Ziemer, Jr.: Excuse me. If we could at this time, there was, there's a possibility that there's someone in the audience who wants to speak about Bohannon Estates. I did e-mail the Commissioners about that. Do you want to see if—

President Nix: Is there anyone here? I wasn't aware that they were going to show up.

Ted C. Ziemer, Jr.: Yeah, okay.

President Nix: Okay, thank you.

John Stoll: And, Justin Shofstall, Andy Easley and I met with four residents of Bohannon yesterday, and, I think that probably addressed their concerns as far as what could or couldn't be done in regard to design changes that would also increase the costs.

Ted C. Ziemer, Jr.: Thank you.

President Nix: Thank you.

John Stoll: Thanks.

President Nix: Anything else?

John Stoll: That's it.

President Nix: Thank you, John.

<b>County Attorney</b>
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President Nix: Any other department heads? Mr. Ziemer, do you have anything else?

Ted C. Ziemer, Jr.: Yes. You've also been apprised of this through communication from me, but just for the record, in April of 2006 the county sold a piece of real estate at 5000 Bayou Creek Road to an abutting land owner for the highest bid for that property, which was \$2,000 plus the cost of advertising and related fees in connection with that transaction, for a total of \$2,682.20. That sale was conducted pursuant to approval of the sale by the Indiana Housing Finance Administration. Subsequently we have been contacted by FEMA saying that the Indiana Housing

Finance Authority had no right to permit us to sell that real estate. We have asked FEMA to supply us with documentation indicating that. They've been unable to do so, but they've indicated that if we don't reacquire the property that the original grant funds of some \$600,000 may have to be replaced. We also questioned that. Notwithstanding all of that, we did discuss this with the purchasers of the property, and they now feel that there's such limited use of the property given the various grant restrictions that they're willing to reconvey the property back to the county in return for being repaid their costs for the property plus six percent interest. That comes to \$2,896.48, and we recommend that the county do reacquire this property from Mr. and Mrs. Riger. What we would like to ask is that you authorize the repurchase of the property for \$2,896.48. The acceptance of a deed to that property from the Rigers.

Commissioner Tornatta: On legal counsel, I motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. I guess, one question, Mr. Fluty, I don't know if you can help us with this, funds for that?

Bill Fluty: Okay, I'm ready. I talked to Ted, and, yes, it would be paid out of Judgements and Refunds. So, that's not a problem.

President Nix: Thank you.

Ted C. Ziemer, Jr.: Then, the only other item I have is I was contacted some time ago by Evansville attorney, Paul Black, representing Wayne Fehd, who is the owner of some real estate out near the Kansas Road bridge. I've also advised you about this by e-mail. The Kansas Road bridge was vacated by the county, in my opinion, following all legal prescription in that regard. Nonetheless, as a result of that vacation and the condemnation of real estate of Mr. Fehd and others for the development of I-164, he now finds that he owns a piece of property which is landlocked. He cannot get to it, except on foot. He pays real estate tax on the property. He can't farm it, because he can't get to it. In addition, there is a SIGECO pole with wires on that property, if it fell there would be no way for SIGECO to get to that real estate to repair the pole and the fallen wires. Mr. Fehd is asking for whatever assistance the county might be able to provide to assist with this dilemma. Mr. Fehd is with us this morning, this afternoon, as well as his attorney, Mr. Black, and I believe they want to make a presentation.

Paul Black: Good afternoon.

President Nix: Can you hold just a second please? We need to change the tape again.

Paul Black: I'm not going to be that long.

**(Tape change)**

**Discussion of Fehd Property: Kansas Road Bridge: Landlock Issue**

President Nix: Go ahead.

Paul Black: Thank you, members of the Commission. I want to begin by thanking Mr. Ziemer and the County Engineer, Mr. Stoll, for the work that they have done in assisting us to get to this particular point. Mr. Ziemer's given you a pretty good background of how this happened. I want to put it in a little more perspective, if I can, for you, and I've got to do a lot of it based upon information that preceded my representation of the Fehd's. This goes back some time to the I-164 condemnation that was coming through on the east side, which is almost the Warrick County line. John Carroll at that time was representing the Fehd's in the condemnation proceeding, and the I-164 bisected a farm, a fairly large tract of farm. There were awards made as a result of it. It was mutually unsatisfactory to everybody. So, it was probably a pretty good award. At the time, the 40 acre tract, which is on the east side, north of what is Kansas, what used to be Kansas Road, was left severed by I-164. They were compensated for that. One of the reasons that they were compensated for the way that they were, and I'm comfortable in this, is that there was still access to the 40 acre tract, which is on the east side that's the subject matter of what the dilemma is about. In 1990, actually it was started in 1986 and 1987, the County Commissioners began looking at vacating Kansas Road, which is on the south side of this 40 acre tract, and includes a bridge, which is right abutting the county line across what's called Blue Creek?

Bonnie Fehd: Blue Grass.

Paul Black: Blue Grass Creek. Blue Grass Creek is not a legal ditch. It was not required by the county to be maintained or cleaned, and has not been. I want to get to that point in just a moment as to how that's added to the problem. Mr. Ziemer is correct, we take no issue with the appropriateness of the condemnation, or, I'm sorry, of the vacation that occurred. Actually recorded in, and, Mr. Stoll, if I misspeak any of this, please feel free to correct me on this. You've done your homework on it. It was recorded in April of 1990. The earlier condemnation, or the earlier vacation was spoken to by the Fehd's when they did notice of it, and I think this was reflected in the e-mail of Mr. Ziemer, where they indicated our, well, we don't have any particular vacation problems, but we do have a bridge problem, because that's an access. I would like to be able to see something done, had a proposal there, if you could put a couple of box cars, a couple of things, it would be absolutely no problem to fix it at that time. That went away, the vacation didn't occur. It reappeared in 1990. It was, as far as we can tell properly advertised in the newspaper. It said that Mr. and Mrs. Fehd got notice of it. We can't deny that they did. The net effect of what has happened is that the vacation of Kansas Road in 1990, and the bridge that went across it, there was no problem vis-a-vis those two things interlocking, which was the I-164 bisecting the farm, and the 40 acre tract there, until this creek that was not a county ditch, was not an official ditch began through certain processes of what's the legal term, Ted, about creeks and things that flow down toward it.

Ted C. Ziemer, Jr.: We have the county drainage engineer here, I mean, the County Surveyor here. What would that be, Mr. Jeffers?

Paul Black: Is that (Inaudible)? Whatever it is. The tree limbs and things that fell on it would come down, and finally destroyed this bridge. Now, this bridge is not exactly a work of art to begin with. It was one that wasn't expect to last past about the mid

80's or late 80's at the very best. It has, since that time, destroyed the bridge. I want to tell you what we had done before we came before you and before we bothered Mr. Ziemer and the County Engineer, who have been marvelous in their response. There was, there still is a power easement that goes across that property. We worked, we attempted to work informally, and there's also a petroleum line easement. We attempted to work with the owners of those easements to make, to see if there wasn't some common ground where we all had something in common to preserve access to this particular parcel. We were met with, we weren't met, and it was less than enthusiastically received. One of the things that we did do, and this has happened, Ted, since you and I have last talked, is that we did put Vectren on notice of the problem that they might have for access in case that cable came down across I-164 and they couldn't get to it. Well, they have now gone in on foot and cut down the power line on the property. These poles now lie on that 40 acre tract and we can't get to them to remove them either. They don't care. I think they have re-routed that line. So, where at one point in time where we had hoped that the county might be able, through its influence with the power company, to be of assistance to us in replacing that, is probably removed. We're probably the cause of it, because we went to them in the first place and asked them for the assistance, or alerted them to the problem. I want to cut to the chase. As far as we know, this is the only land, this is the only property in Vanderburgh County who by virtue of the facts that we've gone through has wound up with 40 acres of landlocked property that can't be used for anything. It can't be sold. It can't even be crop insured, because it doesn't have access. It can't be farmed. They're paying taxes on it every year, never missed a tax payment. It's useless. Mr. Ziemer indicates in his e-mail, and I want to give Mr. Fehd a chance to fill in any blanks that I have his opinion, and I cannot seriously disagree with it. I may later on, and I reserve the right to do that, with all due respect. That we don't have a gun to point to your head right now. What we're looking for is assistance. We've looked for that, and I think we've been fairly hat in hand candid with everybody from this day forward, but there was some property to the north of that that a bridge was constructed some time ago to give access to another tract of land that was...what's the name of it?

Wayne Fehd: Ziliak.

Paul Black: Ziliak, I don't know if it was done in connection with that or not. We asked Mr. Stoll if he was aware of any other parcels where this had been the net result to a landowner in Vanderburgh County who's continued to pay access. I think the answer, Ted, to that question was, no, I'm not aware of any other place. This is a unique situation. Now, as Mr. Ziemer will undoubtedly point out to you, and I think correctly so, is that we have to be very careful that we are not looking to do a public remedy for a private problem. The parenthetical etcetera to that paragraph is probably, if you look at the history of it, it's not, it has not been the landowners actions, or lack of actions that have created the problem. What they are here looking for is ideas, assistance and advice. Ideally, the first, the best thing that could happen to them would be one of several things, number one, for the county to either take back Kansas Road, undo the vacation, which would put the bridge back under county control for county maintenance purposes, as it was before the vacation. The second thing, and in addition to that, would be to, and this is not as easy a project as I'm about to toss it off as being, which is to declare the legality of a legal ditch down there so that this progress, once some solution has been found, doesn't happen again because of the Blue Creek, what am I calling it?

Bonnie Fehd: Blue Grass.

Paul Black: Blue Grass Creek, doesn't happen again in the future. They have also done their homework with regard to what the minimum construction costs would be. Mr. Fehd is a modest man of, he's a farmer. I know him. We go to church together. That's why I'm here. He has asked several people as to what would be the minimum expenses involved. That information has been provided to Mr. Ziemer, it's provided to the County Engineer. We're not talking about an arm and a leg, but we are talking about monies that they don't have available right now to be able to, on their own, try and extricate themselves from the dilemma that we've just described. It's the only place in the county that we're aware of like this. What we've got is we're sitting there and you can't get, the access to it is by helicopter. We can't afford that either. We're looking for your assistance in whatever way that may be, and if that means further study, suggestions and recommendation, I think we may have lost our clout as far as Vectren is concerned, they did their own self help. At least it appears. In fact, they left a mess, and we can't get to it to clean it up. So, there we are. Now, having said that, I promised Mr. Fehd an opportunity to address this, because he's been living with this problem. I don't want to take the rest of your afternoon for it, but I do appreciate your time, and, again want to thank Mr. Ziemer and Mr. Stoll for their efforts. They've met with us ad nauseam and at length and been very pleasant, and said, you know, we really can't do anything. I'm not sure that we can advise the Commissioners that they have any obligation to do anything. That's probably good advice. But, there are other things besides obligations. That's what we're here for. Wayne?

President Nix: Thank you, Mr. Black.

Wayne Fehd: Wayne Fehd, Vanderburgh County. My wife, Bonnie.

Bonnie Fehd: Oh, he's going to drag me up. Bonnie Fehd, Vanderburgh County.

Wayne Fehd: Anything I can't think of, she always does.

Bonnie Fehd: 13040 North Green River Road.

President Nix: Thank you. Anything you would like to add to that at all?

Bonnie Fehd: No, we just need help.

Wayne Fehd: That's right.

President Nix: We, I guess we got this e-mail last Thursday or Friday--

Ted C. Ziemer, Jr.: Yes.

President Nix: --we really haven't had a whole lot of time to investigate it. I would like to, unless you've got some additional comments, I would like to maybe run out there with Mr. Stoll and just kind of get a lay of the land, and kind of, there's a whole lot of information there gathered in a short period of time, and for us to just say, no, we're not going to anything, I would like to look at it first and see if there are, if there is something we could possible work out.

Wayne Fehd: Right, the biggest thing was that we purchased this farm in 1979. We didn't realize there was going to be an interstate highway to go across it.

President Nix: Right.

Wayne Fehd: There was nothing we could do to stop it. We went to Washington, D.C., we tried to get them to move it to the east so it took up this piece of ground even. When the SIGECO sub-station was changed up on Baseline Road, we went to them to see if they could move that over and just put a little curve in it. We could use up that little piece of ground, so we was all on the other side. We purchased this farm in 1979, it was 120 acre tract, one field. You know, I was pretty young then, and that was a pretty choice thing to have a 120 acre tract of ground. We never had to use this bridge period to farm any of this ground. We farmed it coming in from Green River Road. During our condemnation case there was, the county kept the bridge, there was a drawing drawed that along the east side of I-164 there was a service road up to my neighbors to the north, Quentin Stahl, and there was also another land person, the Smith's, and I think the county paid them for their property. But, that road was taken off, but at one time all three of us was supposed to use that bridge. We testified that that bridge wouldn't be capable of taking care of our farm machinery. We've left it go, we've tried to use it, we've used our smallest equipment that we had possible until it's all wore out, 28 years of time has went by. We farmed under the Freedom to Farm Act since 1995, grewed two dollar corn, four dollar and a half soybeans, and we're broke. We ain't got no money to fix that bridge. That bridge is falling in the creek. One of my neighbors done asked me what are you going to do with that bridge? I said, that bridge ain't mine. I never accepted that bridge in any way. There it is. He's wanting to know what's going to happen when the water goes around on his property if a tree jam gets up, a log jam gets up against it. There's been several of them up against it. I feel sure that's what's pushed on it and caused that southwest corner abutment to give in and buckle. The bridge needs to be replaced. It needs to be replaced with the county maintaining it, because that creek is full of trees to the north of us, and to the north of us the county already has replaced a bridge for the Ziliak's several years back. A brand new bridge. It's there. The county owns it and maintains it for them. We're just asking for it for our property.

Paul Black: I think Wayne recognizes that we can't undo this condemnation. I mean, that's life in the fast lane. The results of that you can't revisit. John Carroll represented him, but you may recall that condemnation proceeding, there was quite a brouhaha at the conclusion of it between the local attorney that represented the state, who's no longer with us, and Mr. Carroll, and there were some in court accusations and some contempt findings. It was an acrimonious, you remember, Ted, it was a very acrimonious condemnation proceeding. But, that's history. Mr. President, I think your suggestion, we have provided to Mr. Ziemer and to the County Attorney a number of pieces of information, photographs, hopefully, you still have those. I don't think Mr. Ziemer had time to get them to you, other than the e-mail today. I thank you for sharing that e-mail with me so that we would know exactly how you were going to respond. But, if you would take a look at that and see what you think might be appropriate, and I use that word advisably, as opposed to what you have some legal obligation to do, as a result of this particular dilemma, we would be tickled to death to assist you in that.

Ted C. Ziemer, Jr.: I did have one question. It doesn't, I can't tell from the record that I have, you were compensated by the state for I-164 taking, you were, were you not?

Wayne Fehd: For landlocked property? We were compensated for it being severed from our other part of the farm that we couldn't farm, the farm was a half mile strip. It was cut off and it was—

Ted C. Ziemer, Jr.: You mentioned though that you advised the state that this bridge was not going to accommodate the traffic that was going to be necessary to farm that 40 acres. Anyway, you're telling me that you were not compensated for not being able to have access to the 40 acres, is that correct?

Wayne Fehd: That's right.

Ted C. Ziemer, Jr.: Okay.

President Nix: Was that notification to the state, or to the county? On the access from the bridge?

Paul Black: That would have been purely a state matter.

President Nix: So, you, the state was aware of that at some time?

Paul Black: You know, I am very hesitant to make that sort of representation to you not having been there at the time, Mr. President.

President Nix: Okay.

Paul Black: Mr. Carroll is no longer practicing, the attorney that represented the state is deceased. About the only person who was privy to it is Mr. Fehd and he's not a lawyer.

President Nix: Okay.

Paul Black: But, I'm advised that the compensation took into consideration you were severing a farm, not that it was land locking it. The fact it was not landlocked was because of a number of issues, but there was a way around, which the state used to its advantage, as I read the record, to be able to minimize the damages. The damages were paid for for the severance of the farm. We're not suggesting that it wasn't. But, it was not, at the time of the taking, landlocked. So, there was no compensation, Mr. Ziemer. It is now.

Commissioner Tornatta: There was compensation for damages?

Paul Black: Sure.

Commissioner Tornatta: I mean, that's—

Paul Black: For the severance of the farm.

Commissioner Tornatta: And then the—

Paul Black: And the taking of the real estate.

Commissioner Tornatta: —bridge was to be maintained by who?

Paul Black: The county.

Ted C. Ziemer, Jr.: That was part of the county road, part of Kansas Road.

Paul Black: Kansas Road all the way to, it goes right up to the Warrick County line.

President Nix: Because of the fact that it didn't go through is the reason why it was, I guess it was not kept up.

Paul Black: Why it was vacated.

President Nix: Yeah, why it was vacated. Because it really went nowhere at that point.

Paul Black: Well, as far as the county was concerned.

President Nix: Theoretically. Okay. Like I say, if we could maybe Mr. Stoll and I could run out and take a look at that, just kind of get a lay of the land, I could get a little bit better feel for what we're looking at there.

Paul Black: Mr. Stoll is familiar with it. He would be, and Mr. Fehd would be happy to accompany.

Commissioner Tornatta: I make a motion to take this under advisement.

President Nix: Second.

Paul Black: Thank you for your time, gentleman.

President Nix: Thank you. All in favor?

Commissioner Tornatta: Aye.

Paul Black: Thank you, Ted, very much.

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

President Nix: Aye. Thank you very much.

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

President Nix: Thank you, Mr. Ziemer. Any other department heads?

<b>New Business</b>
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President Nix: Is there any new business to come before the board?

Commissioner Tornatta: I would like to just kind of state, we're getting ready to go through budget hearings tomorrow. We will present in front of the County Council, and would just like to make a resolution and see if it's acceptable by the Commission, a resolution to make University Parkway one of our top priorities of this Commission, to continue with the three construction phases and the one right-of-way phase that will entitle us to, at this point, end up at Diamond Avenue.

President Nix: Is that in the form of a motion?

Commissioner Tornatta: The form of a motion, yes.

President Nix: Second. All in favor?



Commissioner Tornatta: Aye.

President Nix: Aye. Thank you, Commissioner.

**Old Business**

President Nix: Is there any old business?

**Public Comment**

President Nix: If not, I understand there's some public comment. If you would like to step forward please.

Jim Bush: Hi, my name is Jim Bush of 6100 Oak Hill Road.

President Nix: I appreciate your patience today. Rather long meeting.

Jim Bush: Last year a gentleman named Sam Wolf was killed in the Pumpkin Ride, and since then there's been some interest in trying to inform the public and trying to create awareness for bicycle safety. We started with Posey County, and we got approval for three signs to be placed at the intersection of the accident where Mr. Wolf was killed. Since then I've been meeting with different department heads to try and find out how to get approval for sign placements in different parts of the Evansville area. Some interest has been shown in Vanderburgh County, and what we have tried to do is basically take away the county's responsibility as far as providing the cost. We've done a fundraiser, and basically we have funded about 100 signs, and we're asking the county for permission for approval to place the signs on what we feel are roads that are going to lead out to the county and some of the more popular routes, Oak Hill Road, and going out into Whetstone Road, Browning Road and some of those. I've met with John Stoll and some of the people, and most people feel that there's not a problem, it's just we're asking for approval. Most of the counties surrounding Evansville, it's just looking at Vanderburgh County as the foothold, and if Vanderburgh County approves those, Posey County is willing to follow suit, along with Warrick County and some of the other counties around the area. We also have the support of the Indiana Bicycle Coalition, and we would like to follow up the signs with public service announcements and buy billboard, newspaper to support them and try to educate not only motorists, but cyclists about bicycle safety and about trying to share the road.

President Nix: As far as the actual placement would you work with the county, and, I guess, does this also involve the city, or are you strictly in the county right now?

Jim Bush: We're meeting with the county, and then the city would be the next step. I've been meeting with Dave Stensas with the Evansville Metropolitan Organization, and he's advised me on each step to take. We would like to meet with Evansville next, and then to meet with Newburgh following after that.

President Nix: So, you've been meeting with Brad Mills then? Is that correct?

Jim Bush: Actually, Dave.

President Nix: Dave Savage?

Jim Bush: Yeah.

President Nix: Okay.

Jim Bush: And, actually, I've met with John—

Commissioner Tornatta: Not Savage. At MPO.

President Nix: Oh, okay. I guess, we've just received this—

Jim Bush: Sure.

President Nix: It's, I didn't know if we wanted to take a little bit of time and review it from a legal standpoint as far as—

Ted C. Ziemer, Jr.: Well, Mr. Stoll, can you...we are all seeing this for the first time at this time. Do you have comments from the point of view of County Engineer?

John Stoll: It was a standard sign, so, from the perspective of manual and uniform traffic control devices, I didn't think it would be a problem. However, I hadn't discussed it with you or the County Commissioners as of yet. So, I didn't know what any of your thoughts might be.

Ted C. Ziemer, Jr.: What about the sign placements? I mean, site distance and that sort of thing? I mean, any problems there?

John Stoll: I haven't seen a plan, as far as exact locations. There were some roads that were identified from our meeting back in May, but as far as specific plans, specific locations with specific numbers, I haven't seen that as of yet.

President Nix: I was wondering, could you put something together just on a, it doesn't have to be real detailed—

Jim Bush: Sure.

President Nix: —about where you would like to see these?

Jim Bush: Right.

President Nix: And maybe we could—

Jim Bush: And, I know there's state guidelines as far as distance from other signs and intersections.

President Nix: Obstructions and those types of things.

Jim Bush: Exactly. Really what we were trying to do is start the footwork for getting approval from the county and what would be needed. I know like a master plan, as far as maps and exact distance and stuff like that.

President Nix: Let me make sure I'm clear on who you are working with, it's Dave?

John Stoll: Stensas.

Jim Bush: Actually, it's a group of individuals from the bike club—

President Nix: No, but on the local government end?

John Stoll: It was Dave Stensas in MPO.

President Nix: Okay, thank you. Okay. So, if you could maybe just kind of put all of this together.

Jim Bush: Sure.

President Nix: Locations and roads and that type of thing. I don't know that you've got to be real, real detailed, and then come back in front of us, we just need to take a look at it from not just the standpoint of pictures and stuff, but where they're going to be located on the roads and that type of thing, and then we can act on it at that time then.

Jim Bush: Sounds great.

President Nix: I am, just personally, this looks like a real good thing. I'm just tickled to death that a group is taking this on to do.

Commissioner Tornatta: I think, we both—

President Nix: I think it's a great thing.

Commissioner Tornatta: I think we both feel the same way. I think this is, we need to look at some of these opportunities. I talked to John before the meeting just about bike paths on roads that we're looking to construct, and, unfortunately, these roads have been on the books for some ten, 15 years, so, we're just now getting up to the point to where we are looking to get some bike paths and some other things along side while we're building roads. While we don't have those, this is a great idea, and that you fashioned this, I mean, I think we're going to be on board, we just need to get some details.

Jim Bush: That's not a problem.

Commissioner Tornatta: And present it.

Ted C. Ziemer, Jr.: I would just add that from a legal perspective, I don't see any liability issues here, if the signs meet the standard, and if they're located in accordance with law.

Jim Bush: Okay. We would like to show support from the community that, you know, we know that some of the bike paths are bigger projects, and we're looking for, you know, anything that we can do as you guys head toward the bigger projects. So, there's a lot of interest, and we're just trying to draw it together to show you guys that there is a lot of interest.

President Nix: Great. I know I'd listened to, was it rails to trails, the state fella here that was down a while back—

Jim Bush: Right.

President Nix: –and was promoting this very kind of thing? If you’ve got good roads for people to ride on them, establish these, get them set up. This is just a start. So, I appreciate your efforts on that.

Jim Bush: And, we’re willing to educate the public, and also the cyclists as well. It is a share the road, and share the road really means share the road both ways. We would like to try to break down some of those barriers of the motorists and the cyclists.

Commissioner Tornatta: Yeah, okay.

President Nix: Great.

Jim Bush: Thank you.

President Nix: Thank you. Is there any other public comment?

<b>Consent Items</b>
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President Nix: If not, I’ll entertain a motion to approve the consent items.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. If there’s no other business, I’ll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

(The meeting was adjourned at 5:04 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the July 24, 2007 Commission Meeting Minutes.  
Approval of the August 13, 2007 Executive Session Summary Minutes.  
AMR Quarterly Report.  
Blue Claim for Reacquisition of 5000 Bayou Creek Road.  
Waiver of Centre Fees not O/T: Red Cross Blood Drive.  
Waiver of Centre Fees not O/T: ICIAAO Sponsored Course: County Assessor.  
Waiver of Centre Fees not O/T: Southwestern Indiana Law Enforcement Academy.  
Pay Requisition No. 5 for Key Government Finance: Telephone System.  
Department Head Meeting Notes: July 24, 2007  
Department Head Meeting Notes: August 7, 2007

**Employment Changes:**

VCCC (3)	Sheriff Office (8)	Superior Court (4)
Pigeon Assessor (1)	Circuit Court (1)	County Assessor (1)
Union Assessor (1)	Prosecutor (2)	County Clerk (2)
Public Defender (2)	Health Dept. (3)	Burdette Park (6)
Cumulative Bridge (1)	County Highway (3)	Supt. Of Bldgs. (1)
Co-Op Extension (1)		

**Travel Requests:**

Health Dept. (1)	Veterans Services (1)	Auditor (1)
Weights & Measures (1)		

**Burdette Park:**

Burdette Six Month Review.  
Burdette Concession Phone Line Quote.  
Surplus Letter: lockers, water cooler, T.V., VCR, bay sink, stainless tables.

**Health Department:**

Strategic National Stockpile Authorization Letter.  
Surplus Letter: computer and printers.

**Auditor:**

Aabel's Park Barrett Law Assessment Agreement (1).  
A/P Vouchers: August 2007.

**County Clerk:** Monthly Report: June 2007.

**Sheriff:** ICJI Grant Letter: Governor's Council on Impaired & Dangerous Driving.

**County Engineer:**

Surplus letter: 8 Telephones.  
Pay Request No. 32: Burkhardt-Green River TIF Projects.

**Surveyor:** Surplus letter: HP printer.

**Public Defender:** State Public Defender Commissioner Reimbursement.

**Department Head Reports:**

Burdette Park	County Engineer
Ozone Officer	Veterans Services

County Highway

**Those in Attendance:**

Bill Nix	Troy Tornatta	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Jonathan Weaver	Phil Heston	Eric Williams
Khris Seger	Dennis Au	Raven Brust
Brad Mills	Delbert Hozappel	Gary Heck
John Stoll	Paul Black	Wayne Fehd
Bonnie Fehd	Jim Bush	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
AUGUST 21, 2007**

The Vanderburgh County Board of Commissioners met in session this 21<sup>st</sup> day of August, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Commissioners, August 21, 2007. It's exactly 3:30. I will start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Nix: Bill Nix, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you'll join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Open Bids VC07-07-01:  
Bridge Rehabilitation on St. George over Little Pigeon Creek**

President Nix: The first action item is permission to open bids VC07-07-01. This is a bridge rehabilitation of St. George Road over Little Pigeon Creek.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Mr. Ziemer, if you would.

**Dave Elgin: Four Rivers RC&D Board Update**

President Nix: Next action item is Dave Elgin is here today from Four Rivers RC&D for an update.

Dave Elgin: Thank you.

President Nix: Good afternoon.

Dave Elgin: You will have in front of you a small handout of about four or five pages. The cover sheet explains a little bit about RC&D. The other thing I wanted to do was

to cover a few of the things that are actively going on in Vanderburgh County through the RC&D program. One of these is the Clem Franks property, that's West Terrace Neighborhood Association. We've had ownership of that property for a number of years and we're working with the United Neighborhoods of Evansville, trying to do some improvements and expansion. That's something that's actively going on. Scott Township Park, we had a partnership of a local committee, a steering committee, and a grant from Toyota, we'd done some work helping them develop the park, put in a shelter house. There's information on that. Another project we came before you a year ago was about the Big Creek water quality project. That's an on-going two year project. We're actively in that now doing the water study. Your County Surveyor and his crew have been very helpful in Vanderburgh County. That project will finish up in '09. Something new is RC&D has some land over on the Little Pigeon. We've entered into a partnership with the twin bridge chapter of Waterfowl USA, that's stationed here in Evansville. They're going to manage and help direct that project. So, those are kind of four of the highlights. I would also like to introduce Priscilla Kelly, she's our president of the organization.

Priscilla Kelly: Good afternoon, and thank you very much. I'm really here to thank you for your support. Each year we come before you or we submit a bill for \$300 for dues in order to support Four Rivers RC&D. You've been very faithful, and we appreciate it. I just want to tell you what kind of return you get for your \$300. In 2005 and 2006 RC&D provided Vanderburgh County with \$33,000 for the \$300 contribution you made to us and to support us. I ask for your continued support. For the tri-county, or Southwest Indiana it amounted to \$540,000. So, \$300, we try to stretch your dollar. I thank you for your time.

President Nix: Thank you.

Commissioner Tornatta: Thank you.

President Nix: Questions?

<b>Eric Williams: Information Technology Advisory Board (ITAC) Update</b>
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President Nix: Next action item is Sheriff Williams is here today to speak to us on the Information Technology Advisory Board. Sheriff, good afternoon.

Eric Williams: Sheriff Williams. Good afternoon. Seeing how your agenda looks like it could be a short meeting, I'll skip the two hour presentation on ITAC, and go with the—

President Nix: Thank you very much.

Eric Williams: —one minute cliff notes. How's that? This is part of your regular, you want an update on the boards and commissions and organizations that you appoint people to. ITAC, which stands for Information Technology Advisory Committee, we meet monthly. Right now I currently serve as the commission. To give you a couple of highlights of things that are going on, we currently have three committees formed, basically they are; the standards, which also includes budget and refresh. We also have the addressing and the policy committees. I'll give you a little bit about each one of those; standards, budget and refresh are basically committees set up by the people that are participating in ITAC, which are various office holders and department heads from both city and county government. Their job is to review



budgetary items to take to the various councils about technology needs within city and county government. They are also working on standards so that it makes it easier for a department head or an office holder to select equipment or things that they need that are IT related, so that there's a set of standards that you look for. The other, one of the other committees is addressing. It sounds like an odd committee to have in ITAC, but addressing is a committee that is made up of many people within city and county government working to finalize a protocol or a standard for the addressing of homes, residences, businesses out in the county and in the city, so that everybody is using the same formula and format, which serves lots and lots of purposes. Everywhere from sending of tax bills to assessing to providing emergency services and locating homes and residences in a consistent fashion. So, that's a pretty important one, and I think they're going to be finalizing a proposal yet tomorrow. The last one is policy. The policy committee is made up of the same various groups of people to develop policies for use within city and county government when it comes to use of your computer, your IT, your data, communications and those kinds of things. I would tell you that ITAC is serving a purpose. It is an excellent forum for office holders, department heads and other concerned people to come forward, express ideas, express opinions and share thoughts and plans. The ITAC allows many people to sit down and hear what else is going on in city-county government that may be able to help their department or office head too, allowing us to maybe gain some synergy from working together on some things. It's also a regular opportunity for everybody to hear from the CIO of the city-county, Matt, to come and make presentations about the activities going on. Again, it's a good committee. We're glad to be meeting on a monthly basis, and if you ever have a question, don't hesitate to ask. How was that for the cliff notes version?

President Nix: That was pretty good, Sheriff.

Eric Williams: Alright.

President Nix: I guess, just for public information, we have 31 members on that ITAC, is that correct?

Eric Williams: It's a very large board.

President Nix: Yes. We need a bigger room to house everybody.

Eric Williams: We're bursting at the seams. It's a popular one. It has very good attendance. I think we've all realized, and it becomes apparent when they don't work, but we're all slaves to our computers. So, everybody takes computers and technology very seriously, and wants to have a hand in the discussion on the future and where their computer technology is taking them.

President Nix: Yes, and this is a city and county collective—

Eric Williams: It is a city-county joint board appointed by, there are several people that are there by virtue of their offices, and then the Mayor has appointments, you have appointments, Council has appointments. Like I said, it's usually a well attended meeting.

President Nix: Questions? Thank you, Sheriff.

**Request to Lower Flags to Half Staff for Willard (Will) Powell-Kerchief**

President Nix: The next action item is, I guess, a tribute to a soldier that is from Vanderburgh County that gave the ultimate last week, William Powell-Kerchief died last Wednesday in Balad, Iraq while serving his first tour of duty. His mother, Linda Kerchief, is an employee in the County Clerk's office. Kerchief was a 2005 graduate of Reitz High School and was 21 years old. I would like to have a moment of silence for Mr. Kerchief.

(A moment of silence was observed.)

President Nix: Thank you. Also, at the request of family members, they've asked that we look at lowering the flags to half mast starting tomorrow, or, excuse me, Thursday through the day of the service. I will entertain a motion for that.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. And, services right now are pending. I guess, if we can just look in the paper over the next couple of days, the newspaper will have that, when the services will be. But, like I say, our thoughts and prayers go out to the family of this young man that was killed in action.

**First & Final Reading of Ordinance CO.08-07-010:  
Amending Purchasing Policies and Rules**

President Nix: The next action item is first and final reading on amendment to county ordinance CO.08-07-010. This is concerning purchasing policies and rules. Mr. Ziemer, do you want to address this?

Ted C. Ziemer, Jr.: The county ordinance mirrored the state statute regarding limitations on purchases and the requirements for various purchases at various dollar levels. The state statute was changed to increase those levels, in some respects. So, this ordinance will amend chapter 2.25 to make it be in accord with the state limitations. If we didn't do this, the county can set stricter limitations than the state does, and if we didn't do this, we would be operating under the old limitations instead of the new ones.

Commissioner Tornatta: Motion to approve.

President Nix: I guess—

Ted C. Ziemer, Jr.: Excuse me.

President Nix: —first off—

Ted C. Ziemer, Jr.: Excuse me, we first need, you'll need a motion to waive second reading of this ordinance.

Commissioner Tornatta: Okay. I make a motion to waive second reading.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: You will need a roll call.

President Nix: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes. It passes.

Ted C. Ziemer, Jr.: Now, move to pass the ordinance.

Commissioner Tornatta: Motion to pass amendment to the county ordinance CO.08-07-010, concerning purchasing policies and rules.

President Nix: And, I second. I'll call for roll call. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And, I vote yes. It passes.

<p><b>Reading of Bids: VC07-07-01: Bridge Rehabilitation on St. George over Little Pigeon Creek</b></p>
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President Nix: Next action item is contracts, agreements and leases. The first one is Mercy Ambulance/AMR addendum.

Ted C. Ziemer, Jr.: Excuse me, do you want to do this bid?

President Nix: Oh, you've got it ready? That's fine.

Ted C. Ziemer, Jr.: Sure. We only had one bid, it's from Ragle, Inc., this is a bid for the bridge rehab of St. George Road over Little Pigeon Creek. There is one bid from Ragle, Inc., and the bid amount is \$313,292.97.

Commissioner Tornatta: Motion to take under advisement.

President Nix: I second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

**Mercy Ambulance/AMR Addendum**  
**Health Department: PRI Renewals (SBC)**  
**Commissioners: Use Permit for 5000 Bayou Creek Road**  
**Well Access & Maintenance Easement: Burdette Land Purchase**  
**Ingress/Egress Easement: Burdette Land Purchase**

President Nix: Mr. Ziemer, contracts, agreements and leases, Mercy Ambulance/AMR addendum.

Ted C. Ziemer, Jr.: There was a difference of opinion that developed between AMR and Scott and Armstrong Townships and the Town of Darmstadt relative to the services to be provided by AMR in those townships, and also relative to the pre-arrival/post-dispatch instructions that would be given for calls that initiated in those three areas; Scott, Armstrong and Darmstadt. We prepared an addendum to the main agreement of AMR, which will address these problems and solve the problems. It has been approved by Mercy Ambulance doing business as AMR, it has also been approved by the Scott Township Trustee, and the chief of the Scott Township Volunteer Fire Department, and I find it satisfactory for execution, should you decide to approve it.

Commissioner Tornatta: I make a motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Vanderburgh County Health Department, PRI renewals.

Ted C. Ziemer, Jr.: This is, really it's like a purchase order, but it constitutes an agreement, and it's for the acquisition of certain computer equipment by the Health Department. They are making this acquisition under a State of Indiana QPA, that is a contract entered into by the state with this particular vendor, and in that case we're allowed to use the same pricing that the state used without any bidding for the project. I find that agreement satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to accept.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: In connection with the reacquisition of 5000 Bayou Creek Road, in discussing that with the property owners who are reconveying the property to the county, we were advised by the Indiana Department of Homeland Security that we could grant a one year permit for them to use the property subject to all of the restrictions that are on that property. So, they're conveying the property back to the county, they will no longer pay any real estate tax on the property. They are recovering the purchase price they paid for the property and we're giving them the right to use it for one year. They could apply for the right to use it for another year, when next year rolls around, and that will be up to the Commissioners at that time, if they want to issue a permit. We recommend that you approve this.

Commissioner Tornatta: Do we know what the use is going to be? They have to get a (Inaudible), don't they?

Ted C. Ziemer, Jr.: The permit, Commissioner Tornatta, has numerous restrictions on the use of the property, and I think they're going to use it to have picnics. But, they cannot use it for anything that's prohibited by the document.

Commissioner Tornatta: Okay, okay. So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Burdette Park land purchase. Excuse me.

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

President Nix: That's alright.

Ted C. Ziemer, Jr.: As you know, you previously authorized the purchase of 30 acres adjacent to Burdette Park at public auction. That was done, and the purchase price was \$120,000. There was a \$17,250 down payment at the auction, leaving a balance due at the closing of \$102,750, which will take place Thursday afternoon of this week. In addition there are expenses in connection with the closing, the title insurance and so forth of \$698. Claims have been prepared to obtain a check from the county for the balance due of \$103,000, no, for the total balance due of \$103,448. In connection with the closing, there is a driveway, you remember there was a 35 acre parcel, a five acre parcel and a 30 acre parcel. We bought the 30 acre parcel, the driveway runs back only to the five acre parcel which is adjacent to the 30 acre parcel. The owners of, the buyers of the five acre parcel have agreed to grant an easement to the county to use that driveway to get to the 30 acre parcel, subject to an agreement on the part of the county and those purchasers to share in the cost of maintaining the driveway. You have a well access and maintenance easement in front of you today to accomplish, no, excuse me, you have a driveway, an ingress/egress easement in front of you today to accomplish that. In addition, there is a well located about a hundred feet off the five acre property, on the county's property, the county's 30 acres. The well serves the home on the five acre piece of property, so, we've arranged, subject to your approval, to grant an easement, 20 feet wide running from the driveway about 110 feet back to where this well is located, so, that the people in the house can get back and forth to the well to maintain the well. You have a document called a well access maintenance agreement, which would accomplish that. We recommend the approval of those two documents.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

<b>County Engineer</b>
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President Nix: The next action item is the department head reports. Ted, do you have anything else at all?

Ted C. Ziemer, Jr.: No.

President Nix: Okay, if not, John Stoll, I believe you've got a few things today.

John Stoll: First I have a street acceptance request for Camden Farms subdivision. This is for 1,286 linear feet of Cayes Drive, 142 feet of Windemere Drive, 364 feet of Pinell Court, 233 feet of Anguilla Court, 233 feet of Marcel Court. It's recommended these streets be accepted for maintenance.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next I have a street acceptance request for section 6C of Cross Pointe Subdivision. This is for 874 linear feet of Columbia Street.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Then, next I have a storm sewer acceptance request for section seven of Stone Creek Subdivision. This is for 243 feet of 12 inch pipe, 249 feet of 15 inch pipe, 449 feet of 18 inch pipe, 249 feet of 24 inch pipe, and 18 feet of 30 inch pipe. The developer has paid the two dollar per foot acceptance fee for these pipes.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: The last item I have is a notice to bidders for the Bromm Road culvert replacement project. That contract would be VC07-08-01.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: With that approval, is it okay to go ahead and have the Auditor's office advertise that?

President Nix: Yes.

John Stoll: That's all I've got.

President Nix: Okay, thanks, John.

John Stoll: Thanks.

President Nix: Any other department heads.

Commissioner Tornatta: I would like to make mention, from our department head meeting that we did talk to the economic coalition, getting everything straight, the economic coalition does have a grant writer on staff, and, actually, that's part of the monies that we do pay for certain services, and they're looking to bring another one on board. So, I'm sure this will excite the County Council, but we're going to pull our request for a grant writer at this time, and look to try and use the coalition to help us out, and then address that at a later date.

President Nix: Yeah, thank you Commissioner. Anything else?

Commissioner Tornatta: That's it.

President Nix: Any other department heads?

<b>New Business</b>
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President Nix: Is there any new business? Seeing none.

<b>Old Business</b>
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President Nix: Is there any old business.

<b>Public Comment</b>
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President Nix: If not, is there any public comment? Any public comment?

<b>Consent Items</b>
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President Nix: If not, I'll entertain a motion to approve the consent items.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. I'll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

(The meeting was adjourned at 3:50 p.m.)

**CONSENT ITEMS:**

**Employment Changes:**

Prosecutor (1)	Sheriff Office (2)	VCCC (1)
Circuit Court (5)	Burdette Park (2)	Commissioners (1)

**Commissioners:**

Approval of August 14, 2007 Commission Meeting Minutes.

EPD: Waiver of Centre Fees, Not O/T for 8/1-17

Building Authority: Jail Requisition No. 86: Jail Construction: \$60,211.20.

Anthem Cumulative Fund Balance.

Evansville ARC Board Meeting Minutes: July 2007.

Evansville ARC Report of Activities: July 2007.

IBAP Gatekeeper Monthly Report: July 2007.

Bernardin Lochmueller & Associates: University Parkway Phases II & III Letter.

Department Head: August 14, 2007.

**Weights & Measures:** Monthly Report: July 2007.

**Purchasing:** Monthly Report: July 2007.

**Treasurer:** Monthly Report: July 2007.

**Department Head Reports:**

Burdette Park	County Engineer	Ozone Officer
County Highway		

**Those in Attendance:**

Bill Nix	Troy Tornatta	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Dave Elgin	Priscilla Kelly	Eric Williams
John Stoll	Others Unidentified	Members of Media



**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
AUGUST 28, 2007**

The Vanderburgh County Board of Commissioners met in session this 28<sup>th</sup> day of August, 2007 at 3:32 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, August 28, 2007, and it's 3:32. I will start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

President Nix: Bill Nix, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you'll join me in the Pledge of Allegiance

(The Pledge of Allegiance was given.)

**Diane Clements: Human Relations Commission Annual Dinner  
Permission to Waive Fees/Not OT for the Centre**

President Nix: Good afternoon. We'll start with the action items. Diane Clements is here today to discuss the Human Relations dinner. Good afternoon.

Diane Clements: Good afternoon. Thank you very much for considering me so soon on the agenda. As you know, my name is Diane Clements, and I am the Director of the City-County Human Relations Commission. We are going to hold our annual dinner on September the 14<sup>th</sup>, which is on a Friday, and you may recall last year we did come before the Commission requesting that we use the Centre for this event. We are going to request ballroom A. There is a remote possibility that we may need the entire ballroom, but, as it stands, we are requesting the use of ballroom A for that Friday evening. I do have flyers so that you can see who our speaker is going to be. His name is Wade Henderson, the president and CEO of the Leadership Conference on Civil Rights. It's going to be a wonderful evening for our community in terms of just fellowship and we'll hear a wonderful civil rights message. Of course, we look forward to you being there with us.

President Nix: Okay. Any questions?

Commissioner Tornatta: Do we need a motion? On the waiving of the room fees?

Ted C. Ziemer, Jr.: We do, yes.

Commissioner Tornatta: Motion to waive room fees on ballroom A, or possibly B and C.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Diane Clements: Thank you so much.

President Nix: Thank you.

### **Women's Equality Day Proclamation**

President Nix: Next action item is a proclamation of Women's Equality Day. Patty Avery is here today. Patty, do you want to say a few words?

Patty Avery: I am Patty Avery. I am one of the co-chairs of this year's event. This is now our fifth year for Women's Equality Day. If you'll recall, the chair of the first two events was a County Commissioner, Catherine Fanello. This year we are now up to, we have over 260 RSVP's. We're very pleased. We have a terrific program planned. We'll be focusing on women in the economy and what the forces of globalization are doing to our place in the economy, and what we can do to take charge of our careers. Of course, our on-going emphasis is getting women involved in the political process. It was a long, torturous process to get the right to vote, and we want women to take full advantage of all the doors that were opened to us when we got that right 87 years ago.

President Nix: Good, okay.

Patty Avery: Thank you.

President Nix: Thank you. Commissioner, if you would, would you like to read the proclamation.

Commissioner Tornatta: Sure. A proclamation of Women's Equality Day 2008:

"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 rights convention took place in Seneca Falls, New York; and, Whereas, the observance of August 30<sup>th</sup> not only commemorates the passage of the 19<sup>th</sup> Amendment, but also calls attention to the 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 for their achievements and support in their organizations and activities. Now, therefore, be it resolved, the Vanderburgh County Board of Commissioners does hereby proclaim August 30, 2007 as "Women's Equality Day" in remembrance of all those women and men who have worked to develop a more equitable community in which all people share burdens and benefits in truly equal partnership, acknowledging both the similarities and differences between women and men."

President Nix: Alright. Do we want to go ahead and sign that now?

Commissioner Tornatta: Thank you, Patty.

President Nix: Thanks, Patty.

<b>Convention and Visitors Bureau Update</b>
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President Nix: The next action item is, Joe Vezzoso's here from the Convention and Visitors Bureau for an update.

Joe Vezzoso: My name is Joe Vezzoso, and I'm the president of the Evansville Visitors and Convention Bureau. It's always a pleasure to appear before the County Commissioners.

President Nix: Thank you.

Joe Vezzoso: In the packet I just gave you is collateral material that was put out by the Convention Bureau that represents a wide range of activities in Vanderburgh County, and also destination information. In the packet also is the 2006 annual report for your information. The Evansville Convention and Visitors Bureau is made up by seven commissioners appointed by all three governmental bodies in Vanderburgh County; the Mayor's office, County Council and the County Commissioners. The County Commissioners have two appointments, the County Council has three appointments, and the Mayor, excuse me, two appointments, and the Mayor's office has three appointments. We're funding through the Innkeepers Tax, which currently....there, it wasn't in well. We're funded by the Innkeepers Tax, which we just recently increased to eight percent. Two and a half cents of every dollar that's spent in hotel rooms and accommodations in Vanderburgh County goes for the promotion of Vanderburgh County, which is the literature that you have in front of you. Two cents of that dollar goes to offset the operating losses at the Centre, and the other one and a half cent currently goes into the Tourism/Capital Development Fund, which supports tourism related brick and mortar projects in Vanderburgh County. The new two cents that just has been approved, and the hotels are just starting to collect the first of September, will also go in the Tourism/Capital Development Fund. As I have spoken to you all, we do have a project in the pipelines that we feel will certainly increase tourism to Vanderburgh County. We are very pleased with the activities of the Bureau. We have had some issues this year with French Lick coming on line. We think that it has had a negative impact both on our hotel operations, and also on the casino operations. We do feel that as the year progresses and as we move into next year, that we are going to be able to overcome some of those objectives, and attract those people back to Vanderburgh County. The new possible sports complex that we're considering, we feel that would be completed in 2009, would bring additional revenue to Vanderburgh County in huge numbers. You all have copies of those reports that we did earlier in the year. The current staff at the Bureau is working hard to try to offset the decline in occupancy in Vanderburgh County. Again, we hope that as we move forward we're going to see that improve in 2008. If you would have any questions about the Bureau, its operations, I would be more than happy to try and answer them for you.

President Nix: Do you happen to know what the occupancy rate is right now in the hotels in Vanderburgh and the City of Evansville? I might have that here. I might have overlooked it, Joe.

Joe Vezzoso: No, I didn't give you that.

President Nix: Okay.

Joe Vezzoso: The current occupancy for this year, county-wide, is 53 ½ percent. Compared to last year we were at 58.7 percent. So, we're down about 8.9 percent for the year over year. But, we do feel that the last quarter of the year we should pretty well stay even with last year, and we hope to see improvement starting in January of next year. We do feel that it's vitally important that we all look at the proposed project, because we think that that can help offset some of those losses as we move into 2009. French Lick has had an effect on Vanderburgh County. Until the newness wears off of that property, we're going to see that negative effect both in the convention and also the leisure business.

President Nix: Thank you. Commissioner?

Commissioner Tornatta: I was just going to say this is the first time I've had a chance to look at some of this literature here, but it's really outstanding. I mean, it's eye catching and it's something that people pick up. It's really neat, and it really encompasses what we have going on here in the county and the city. So, thanks to the group for being able to provide that. It's really nice.

Joe Vezzoso: Just so that you all know, we do have a grants program which we spend about \$40,000 a year, and we help other organizations such as Burdette Park, the Zoo, the Reitz Home and other organizations that come to us to help print their collateral material. The materials that you have in front of you are strictly through the Bureau, and as you can see, we try to encompass everything within the county and also in the tri-state area to encourage people to come to Vanderburgh. It is good material. I mean, we spend a tremendous amount of money in the public relations side of the Bureau operation. But, you can see those are quality pieces, and when we go to trade shows, we're right up there with the best of the other communities.

President Nix: Any other questions?

Commissioner Tornatta: No.

President Nix: Thank you, Joe.

Joe Vezzoso: Okay.

President Nix: Appreciate your time.

Joe Vezzoso: Uh-huh, thank you all very much.

President Nix: Appreciate what you do for the group too.

Joe Vezzoso: Well, I just want to let you know, we were certainly supportive and we're glad that we were able to help out with the purchase of property out at Burdette Park, because we do feel that as we move forward in the years that

property could become a very valuable asset to tourism of Vanderburgh County. So, it was our pleasure. Thank you for re-appointing me. I do appreciate that, and look forward to serving you as long as you would have me. Thank you.

President Nix: Thanks.

Commissioner Tornatta: Thanks.

**Permission to Award: VC07-07-01:  
Bridge Rehabilitation on St. George over Little Pigeon Creek**

President Nix: Next action item is permission to award VC07-07-01. This is a bridge rehabilitation on St. George Road. Mr. Stoll is here today to present that.

John Stoll: The recommendation is to award it to Ragle, Incorporated for the amount of \$313,292.97. They were the sole bidder on the project, and all of their paperwork was in order, so, I would recommend that it be awarded to Ragle.

Commissioner Tornatta: So moved.

President Nix: I second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you, John.

**First/Final Reading of Ordinance CO.08-07-011:  
Amending Chapter 2.25.030D: Purchasing Policies and Rules**

President Nix: The next action item is the first and final reading of ordinance CO.08-07-011. This is amending chapter 2.25.030D of the county code, purchasing policies and rules. Mr. Ziemer, I didn't know if you wanted to address this at all.

Ted C. Ziemer, Jr.: No, this is just, we adopted an amended ordinance on August 21<sup>st</sup>, and we inadvertently left out one change in the difference between what the State authorizes and what the county had, and this will correct that.

President Nix: Okay, is there any public comment on this? If not, I will entertain a motion.

Commissioner Tornatta: Motion to accept.

President Nix: Second.

Ted C. Ziemer, Jr.: No, you'll have to have a motion first to waive second reading.

Commissioner Tornatta: Okay.

Ted C. Ziemer, Jr.: To which you need to pass unanimously, if you're going to. Then you'll need a second motion to adopt the ordinance.

Commissioner Tornatta: Okay, motion to waive the second reading.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. This requires a roll call vote?

Ted C. Ziemer, Jr.: Yes.

President Nix: Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes.

Commissioner Tornatta: Now a motion to accept final reading of ordinance CO.08-07-011.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Ted C. Ziemer, Jr.: Roll call.

Commissioner Tornatta: Roll call.

President Nix: Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes. It passes. Thank you.

<p><b>Public Hearing/First Reading of Vacation Ordinance CO.V-08-07-002: Royal Oak Drive</b></p>
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President Nix: The next action item is public hearing/first reading of vacation ordinance CO.V-08-07-002, it's Royal Oak Drive. This is a public hearing, so, I'll entertain any public hearing, or anyone in the audience that would like to address this issue.

Jim Farney: Thanks, my name is Jim Farney. I'm with Bernardin Lochmueller. I have with me today Mr. Jack Cook who's the owner of the property in question. Mr. Cook had purchased the property. It's formerly known as Weslake Subdivision. It contains some six lots. He went through APC in an effort to replat the subdivision down only into three lots, so that he could get rid of some of the surplus right-of-way that was in the project. We've done that, we've gone to Area Plan, they've recommended it for approval. So, in order for us to be able to record that plat we have to do one last step and that is vacate the original road in this subdivision. So, that's why we're here today. If you have any questions, we would be glad to answer them.

President Nix: I have none. Is there any other public comment? Seeing none, I will entertain a motion.

Commissioner Tornatta: Motion to vacate CO, I guess, Royal Oak Drive.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Jim Farney: Thank you.

Commissioner Tornatta: Thank you.

Madelyn Grayson: The final reading will be on September 11<sup>th</sup> of that ordinance.

President Nix: Okay, thank you.

Commissioner Tornatta: Thanks.

President Nix: I guess, we need a roll call for that also?

Ted C. Ziemer, Jr.: Yes.

President Nix: For this being first reading. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes.

**2006 Homeland Security Grant Program Sub-Grant Agreement  
Burdette: Pacific Telemanagement Pay Phone Agreement (Deferred)  
Artwork Unlimited: Old Courthouse Lease Agreement  
County Clerk: Standard Register Software Support Agreement**

President Nix: The next action item is contracts, agreements and leases. Mr. Ziemer?

Ted C. Ziemer, Jr.: The first one is a sub-grant from the Indiana Department of Homeland Security. That would be in favor of the Vanderburgh County Emergency Management Agency, which is directed by Sherman Greer. The sub-grant is for \$50,000. It is, in all respects, satisfactory for execution from a legal perspective. The grant requirements for reporting and so forth will be handled by Mr. Greer and his Emergency Management department.

President Nix: Questions? I'll entertain a motion.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.



President Nix: Aye.

Madelyn Grayson: Sherman needs to hand deliver this to Indianapolis tomorrow. So, can you sign it now?

President Nix: Sure. The next action item is an agreement with Pacific Telemanagement Services for pay phone services at Burdette Park. I would like to ask to see if we would table that at this time.

Commissioner Tornatta: Motion to table.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. The next action item is Artwork Unlimited. It's a lease agreement with the Old Courthouse. Mr. Ziemer?

Ted C. Ziemer, Jr.: This lease agreement is similar to the one we had with Artwork Unlimited last year. It is again for a one year term for an annual lease payment of \$7,000. The actual exhibit, or the haunted house will be held from September 28, 2007 through November 3, 2007. The reason for making it an annual lease is so that Artwork Unlimited can store their props and so forth in the sub-basement of the Old Courthouse and work on those during the period when the exhibit is not being held. They agreed, this year, as in the past, under paragraph 27A of the agreement to have one night of the event when all proceeds will be paid to the Old Courthouse Foundation. That night has not been selected yet, but the Superintendent of County Buildings will work with Artwork Unlimited to select a night, and that will be filled in the lease when that night has been determined.

President Nix: Thank you, Mr. Ziemer. Any questions?

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

Ted C. Ziemer, Jr.: One final agreement, yes, it's an agreement between the county, on behalf of the County Clerk and Standard Register Company for, it's a software support agreement. The annual cost of the agreement is \$1,104. The agreement does provide that it can be renewed annually, unless either party gives notice of intention not to renew at least 60 days prior to any annual termination date. Mr. VanCleave advises me that there are going to be some changes in the way the State of Indiana handles this. So, he anticipates it will be renewed for one additional term, in which case the \$1,104 figure would be increased by four percent for the second year. Then he will give notice to terminate so that it doesn't run beyond the second year. It's satisfactory for execution.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Mr. Ziemer, do you have anything else?

Ted C. Ziemer, Jr.: I do not.

President Nix: Thank you.

<b>County Engineer</b>
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President Nix: Department head reports. Any department head reports at this time?  
Mr. Stoll?

John Stoll: I have some additional right-of-way offers on the Green River Road project. The owners names and the amounts are as follows; parcel six, Keystone Homeowners Association, \$6,000; parcel 15, Haury, \$15,500; parcel 21, Arvin, \$1,700; parcel 23, Hussman, \$17,500; parcel 30, Drake, \$21,300; parcel 35, Schuetter, \$8,900; and, parcel 37, Kendall Development, \$350. All those offer amounts are based on the appraisals. So, I would request your approval to make those offers.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Then, next, I have a claim for BMB, Incorporated for the Aabel Park Barrett Law project. It's in the amount of \$136,792.25. The only reason it's not on the consent agenda, we didn't get all of the paperwork put together until after the deadline. So, otherwise it would have been a consent item, but I would request approval of that claim.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Then, last, I have a street acceptance request for section 6B of Bridlewood Subdivision. This is for 156 feet of Wayland Drive, 817 feet of Wayland Court, and 140 feet of Bluff Stone Drive. The streets were constructed properly, and it's requested they be accepted for maintenance.

Commissioner Tornatta: Motion to accept.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: That's all I have.

President Nix: Thank you, Mr. Stoll. Are there any other department head reports?

**Board Appointment**

President Nix: If not, is there any, or, excuse me, we do have one board appointment. This is the levee board. I will entertain a motion.

Commissioner Tornatta: Mike Whicker wants to be put back on the board, so, I think that's a good idea.

President Nix: Is that a motion?

Commissioner Tornatta: That is in the form of a motion.

President Nix: I second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

**New Business**

President Nix: Is there any new business?

**Old Business**

President Nix: Any old business? Seeing none.

**Public Comment**

President Nix: Is there any public comment? Seeing none.

**Consent Items**

President Nix: I will entertain a motion to accept the consent items.

Commissioner Tornatta: Motion to add something to the consent items, and that's the settlement of the Fred Wilson debt to Burdette Park.

President Nix: Along with the consent items?

Commissioner Tornatta: Along with the consent items.

President Nix: I'll second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Opposed same sign. Thank you. I'll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

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

**CONSENT ITEMS:**  
**Employment Changes:**

County Highway (3)	Co-Op Ext. (1)	Prosecutor (2)
Auditor (2)	Sheriff Office (4)	County Clerk (1)

<b>Travel Requests:</b>	Health Department (1)	Legal Aid (1)
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**Area Plan Commission:** Local Update of Census Addresses Letter.

**County Engineer:** Pay Request No. 33: Green River-Burkhardt TIF Projects.

**County Assessor:** Surplus request: Ricoh color printer.

**County Clerk:** Centre Waiver of Fees/Not OT for Poll Worker Training.

**Commissioners:**  
Department Head Meeting Notes 8/21/07.  
Fred Wilson: Burdette Debt Settlement.

<b>Department Head Reports:</b>		
Burdette Park	County Engineer	County Highway
Ozone Officer		

<b>Those in Attendance:</b>		
Bill Nix	Troy Tornatta	Bill Fluty
Ted C. Ziemer, Jr.	Marissa Nichoalds	Madelyn Grayson
Diane Clements	Patty Avery	John Stoll
Joe Vezzoso	Jim Farney	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY**  
**BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Troy Tornatta, Member**  
(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 11, 2007**

The Vanderburgh County Board of Commissioners met in session this 11<sup>th</sup> day of September, 2007 at 3:31 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, September 11, 2007 at 3:31. I will start to my far right with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

Jennifer Elston: Jennifer Elston from the office of the County Attorney.

President Nix: Bill Nix, County Commissioner.

Andrew Ritter: Andrew Ritter, Mater Dei High School, and I'm a junior.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

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

(The Pledge of Allegiance was given.)

**Permission to Open Bids for VC07-08-01:  
Bromm Road Culvert #1338 Replacement**

President Nix: Our first action item is open bids for VC07-08-01. This is the Bromm Road culvert number 1338 replacement. I think our attorney has those to open. We'll go ahead and continue here. The next action item is award bid APA-041–

Commissioner Tornatta: Bill? Excuse me, do we need to make a motion to open the bids?

President Nix: Yes, I'm sorry.

Commissioner Tornatta: I make a motion to open the bids.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Now, we will open them.

**Award Bid APA-041-2008: Road Salt**

President Nix: The next action item is award bid APA-041-2008 for road salt. I believe Ms. Debbie Spalding is here today for that.

Debbie Spalding: Good afternoon.

President Nix: Good afternoon.

Debbie Spalding: Good afternoon. We accepted proposals, actually we advertised for road salt twice in the newspaper, and then the bids were opened in the Board of Public Works meeting on August the 30<sup>th</sup>. At the last Board of Public Works meeting they voted to award the bid to the low bidder, which was North American Salt. We did receive three bids this year. North American Salt had the bid last year. The price that they bid was \$45.27 per ton. So, we are asking your permission to award.

President Nix: I'm just curious, do you know how that compares to the year before?

Debbie Spalding: It's about a four percent increase.

President Nix: Okay.

Debbie Spalding: On the form I gave you, last year the price was \$43.68 per ton.

President Nix: Okay. Questions?

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

Debbie Spalding: Thank you.

President Nix: Thank you.

**Second/Final Reading of Vacation Ordinance CO.V-08-07-002:  
Royal Oak Drive**

President Nix: The next action item is second and final reading of vacation ordinance of CO.V-08-07-002, Royal Oak Drive. I guess, I'll open up, is there any public comment at this time? Seeing none, any questions from the board? If not, I will entertain a motion.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. I will call for a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: And I vote yes. It passes. Thank you.

<b>County Engineer</b>
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President Nix: I tell you what, while we're waiting on the bids to be opened I will go ahead down to department head reports. Mr. Craig do you have anything?

Steve Craig: No, sir.

President Nix: Okay, Mr. Stoll?

John Stoll: First I have a request to approve some right-of-way purchase offers on the Green River Road project. They are as follows; parcel 22, William Hussman, and the amount is \$12,300; parcel 28, Kendall Development LLC, \$37,900; and, parcel 34, Emmanuel Baptist Church, \$15,000.

President Nix: Questions?

Commissioner Tornatta: Motion to accept.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next, I've got a request for approval on a right-of-way purchase offer on the Green River Road-Millersburg Road intersection project. This is for Cheryl Melesky, and the amount is \$13,400.

Commissioner Tornatta: Motion to accept.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: Next I have a pipe acceptance request for section 6B of Bridlewood Subdivision. This is for 207 linear feet of 12 inch pipe, 344 linear feet of 15 inch pipe, and 161 linear feet of 18 inch pipe.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: I'm not sure, Madelyn, does that, was that for—

Madelyn Grayson: It says Stonecreek PUD instead of Bridlewood.

John Stoll: PUD, oh, I'm sorry. It wasn't Bridlewood. That's another pending one we've got, and I just said the wrong one. So, that was for Stonecreek PUD, not for Bridlewood.

President Nix: Okay. Thank you.

John Stoll: Next, I have a time extension request letter for the St. George Road bridge project. This is a request to extend the completion date from October 20<sup>th</sup> to October 31<sup>st</sup>. The reason is, basically, in order to allow some advance public notice for some signs to be placed out at the project, the project won't start until next Monday, which is the 17<sup>th</sup>, the contract allotted 45 days for the project, which pushes it off to October 31<sup>st</sup>. So, it was just a discrepancy in the requirements of the contract that caused this. It wasn't anything that the contractor had changed that caused any delays. So, I would request approval of the time extension to the 31<sup>st</sup>.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you.

John Stoll: Then, next, I have a sidewalk waiver request for the replat of Weslake Subdivision. This is in conjunction with the vacation that you just approved, it's for that same subdivision. Basically, there are no other sidewalks out in the vicinity of this subdivision, which is located off Kasson Road. So, I would recommend approval of the sidewalk waiver.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: The last item that I've got is a request for approval of the deceleration plans for Stonefield Park Subdivision. This is a commercial subdivision located on the west side of Green River Road, opposite Sugar Mill Creek apartments. I've been working with the engineer on the project, and I'll recommend approval of the plans subject to the following conditions; first would be they need to provide a detail showing the lids and castings that will be used on the existing curb inlets on Green River, and once their contractor gets on site, if the field measurements during construction show that the detail provided on the plans doesn't work, then they must provide an alternate detail that will be approved by the county. The second would be that they add a note to the plans stating that the contractor/engineer must notify the county of each specific manhole modification that will be made to convert each existing manhole on Green River to a curb inlet. Basically, when they're widening the road to provide the 12 foot decel lane, they have to make these changes with the manholes and the curb inlets. The third condition would be to provide a typical cross section for the deceleration lanes on Green River. There will be two of them, they



basically have two entrances into this subdivision, one is opposite Sugar Mill apartments, the other is opposite Constellation Avenue. It will be a 12 foot lane, but that's just not detailed right now on the plans. The fourth condition would be to modify the corner radius at the southwest and southeast corners of lot number seven to accommodate 67 foot wheel base trucks, to modify the corner radius at the southwest corner of lot two to accommodate the 67 foot trucks, and to modify the northwest corner of lot one as needed, once they change the striping. There again, if they modify the striping and change where the stop bar is, it might necessitate providing a larger curb radius. The next condition would be that the contractor must provide the county with a detail lane closure plan to build the decel lanes, and the plan must conform to the manual on uniform traffic control devices prior to closing the lane for construction on Green River Road. Then, the final condition would be that the developer must pay for the traffic study to determine if this development warrants a new traffic signal on Green River Road, and, if so, then the developer must pay for all improvements; striping, signalization, everything associated with the recommendations of the traffic study.

Commissioner Tornatta: Motion to approve and adopt the recommendations of the engineer.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.

John Stoll: That's all I have.

President Nix: Thank you.

John Stoll: Thanks.

President Nix: Are there any other department head reports? Seeing none.

<b>Reading of Bids for VC07-08-01: Bromm Rd. Culvert #1338 Replacement</b>
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President Nix: We'll go back to the, I guess, the bids for the Bromm Road culvert.

Jennifer Elston: There were four bids received. Should I go ahead and read those into the record?

President Nix: Yes, please.

Jennifer Elston: The first is Deig Brothers Lumber and Construction Company in the amount of \$151,768.

President Nix: Okay.

Jennifer Elston: The second is Blankenberger Brothers, Inc. in the amount of \$135,450. The third is Koberstein Trucking in the amount of \$123,053. The fourth is CCC of Evansville in the amount of \$99,946.55.

President Nix: They started out good and got better, didn't they?

Commissioner Tornatta: Motion to take under advisement.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you.

<p style="text-align: center;"><b>CPL Encroachment Agreement</b> <b>Sheriff: Department of Corrections Grant Amendment #1</b> <b>Emergency Management Agency Sub-Grant Agreement</b></p>
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President Nix: I guess we're up to you again now, the contracts, agreements and leases, the CPL encroachment agreement.

Jennifer Elston: The CPL encroachment agreement has been reviewed by Ted Ziemer, and he has approved that agreement for signature. In short, CPL has asked to encroach upon a right-of-way owned by the county to transfer gas from Laubscher Meadows landfill and sell ultimately to Mead Johnson, install, operating and maintaining pipeline through the right-of-way.

President Nix: Okay, and I did receive an e-mail, a few e-mails from Ted stating that it was—

Jennifer Elston: Approved and ready to consent and execute.

President Nix: Okay.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you. The next item is the Sheriff's Department of Corrections grant amendment.

Jennifer Elston: The same has also been reviewed by the County Attorney, and approved. This is an amendment to a current grant for the drug court asking for additional funds in the amount of \$128,208.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you. The last one, I guess, is Emergency Management performance grant sub-grant.

Jennifer Elston: The Emergency Management performance grant sub-grant has also been reviewed by Ted Ziemer, and he has also recommended that this be consented to and executed.

Commissioner Tornatta: Motion to approve.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Anything else?

Jennifer Elston: Nothing else.

President Nix: Ms. Nichoalds, do you have anything?

Marissa Nichoalds: No.

<b>New Business</b>
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President Nix: I guess, the next item on the agenda is, we have been, I guess, the newspaper a few weeks ago had ran an editorial or some editorials and some comments on the Hamilton Golf Course, the future of the Hamilton Golf Course. The lease is up in May of 2009. What we would like to do is get some public comment from as many people as possible. We've hired a consultant some time back, we've got the results from that report back, I guess, about a month ago, three weeks to a month ago. We've had a chance to review it. We've also had an appraisal done, and we are in the process now of formulating, I guess, public opinion to see which direction we want to head with the Hamilton Golf Course. So, I would like to, I don't know that we want to set any dates today. I would like to maybe come up with some firm dates next Tuesday at our meeting. I think the best format would be evening, maybe at 6:00 or so during the week, and then possibly a Saturday so that if people can't make the evening meeting, they'll make the Saturday meeting. We want everyone's input in this. Please, if you've got something to say about this, please come forward. We're not going to talk about sewers. We want to talk about Hamilton Golf Course. So, if you have anything you want to add to that, Commissioner.

Commissioner Tornatta: I think that's an outstanding idea. At this point, there have been a lot of rumors. The rumor mill is going pretty hot on what has been talked about on Hamilton's Golf Course, and what it's future will bring. At this point there's been no communication of any plans or any opportunities with the city and the county. Merely we have gone through the process of getting back some information from a consultant, and at this point we would like to open it up to those in the county to decide and give some input. So, I think it's a great opportunity to get out to the public, and I commend you on coming up with the idea.

President Nix: Okay, like I say, we'll have some firm dates next week. We're looking probably late October, so, with a couple of public forums. And, if we have a real good turn out and we don't have time and we run long, we could add another forum or two, that's not a problem.

Commissioner Tornatta: This is actually for 2009.

President Nix: Yeah, it's the lease for 2009. Our thinking on this is that if this would, in fact, remain a golf course, there's a lot of things that happen a year ahead of time, planning-wise, as far as the courses are concerned, year-to-year activities that

people plan. We want to make sure that we've got a lease in place in plenty of time for the future of the course out there, so. Okay, thank you.

**Old Business**

President Nix: Is there any old business? Any new business?

**Public Comment**

President Nix: If not, I will accept public comment at this time. Seeing none.

**Consent Items**

President Nix: I will, I guess, consent items, I'll entertain a motion to approve the consent items.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. I'll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Thank you.

(The meeting was adjourned at 3:48 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the August 28, 2007 Commission Meeting Minutes.  
Bernardin Lochmueller: University Parkway Phases I & II Project Update.  
Settlement Agreement & General Release: Heather R. Williams.  
Arthritis Foundation: OCH Rental Arrangement Letter.  
Fetter Property Management Letter.  
Letter Regarding Hamilton Golf Course.  
Department Head Meeting Notes: August 28, 2007.

**Employment Changes:**

Burdette Park (2)	County Highway (1)	Area Plan (1)
Election Office (2)	Health Dept. (2)	Circuit Court (1)
County Assessor (2)	Co-Op Ext. (1)	Scott Assr. (1)

**Travel Requests:**

Health Dept. (4)	Auditor (1)
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**Legal Aid:** Financial Report: December 31, 2006.

**Auditor:** A/P Vouchers: September 2007.

**County Engineer:** Pay Request No. 34: Green River-Burkhardt TIF Projects.

**Treasurer:** Year-to-Date Report.

**Recorder:** Surplus Letter: 20 computers.

**County Clerk:** Monthly Report: July 2007.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Troy Tornatta	Bill Fluty
Jennifer Elston	Marissa Nichoalds	Madelyn Grayson
Andrew Ritter	Debbie Spalding	John Stoll
Steve Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 18, 2007**

The Vanderburgh County Board of Commissioners met in session this 18<sup>th</sup> day of September, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, September 18, 2007 at 3:30. I will start with introductions to my right.

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

President Nix: You've got to push the button there, Jeff.

Commissioner Korb: He had to tell me what to do, push the button. I'm Jeff Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you'll join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Open Bids: Removal of Debris from 102 Read Street**

President Nix: We'll start out with the first action item which is permission to open bids. This is a removal of the debris from 102 Read Street. I think Building Commissioner, Roger Lehman is here to address this.

Roger Lehman: Thank you, President Nix, and welcome, Commissioner Korb. It's always good to see you, and Commissioner Tornatta, and the rest of the group. I have bids today, actually a bid. As most of you are aware, you have a property that you received unwantingly on tax sale, and the garage burned down, and so the county forces got it on the ground, and now the house needs to be demolished. On behalf of the Commissioners we solicited bids, and we got one. So, the attorney ought to open this.

Commissioner Tornatta: Motion to open bid.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Election of Officers**

President Nix: While that bid is being opened, we'll move on to the next action item. This is election of officers. I will open the floor up for election of officers at this time.

Commissioner Tornatta: Ted, do we still nominate the President at this point, or do we just fill the Vice President?

Ted C. Ziemer, Jr.: The President is going to stay the same. So, no, we just elect someone Vice President, and that's all we do.

Commissioner Tornatta: Okay, motion to elect Jeff Korb Vice President.

President Nix: I second that. All in favor? Aye.

Commissioner Tornatta: Aye.

President Nix: Opposed same sign. Congratulations.

Commissioner Korb: Thank you very much.

President Nix: Welcome, Commissioner Korb.

Commissioner Korb: Thank you. It's good to be here.

**Reading of Bid: Removal of Debris from 102 Read Street**

President Nix: Mr. Ziemer, do you have the bid ready?

Ted C. Ziemer, Jr.: I do. To remove the existing house and garage at 102 Read Street, the bid is \$8,300. That bid is from J.L. Crane Concrete. There are no other bids.

Roger Lehman: So, I would leave it at the Commissioners discretion if they wish to accept this.

Commissioner Tornatta: Motion to take under advisement.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Roger Lehman: We will await your direction.

President Nix: We'll probably go....we'll bring this in front of the meeting next week.

Commissioner Tornatta: Ted?

President Nix: We'll bring that in front of the meeting next week for—



Madelyn Grayson: I'll see that it's on the agenda for next week.

President Nix: Okay, thank you.

Roger Lehman: Alright, thank you all. Have a good day.

President Nix: Thank you, Roger.

**Award Bid VC07-08-01: Bromm Road Culvert #1338 Replacement**

President Nix: The next action item is the County Engineer, award bid for VC07-08-01. This is the Bromm Road culvert 1338. I believe Mr. Stoll is here today.

John Stoll: The recommendation is to award to—

Madelyn Grayson: The mic's not on, John.

John Stoll: The recommendation is to award it to CCC of Evansville for the amount of \$99,946.55. They provided the low bid on the project.

President Nix: Questions from the board? If not, I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

**Resolution CO.R-09-07-011: Transfer of Properties to  
Evansville Redevelopment Commission (Deferred)**

President Nix: The next action item is resolution CO.R-09-07-011, this is to transfer properties to the Evansville Redevelopment Commission. Mr. Ziemer?

Ted C. Ziemer, Jr.: The county in 2007, as opposed to prior years when we simply sold certificates for tax sale, has obtained deeds, or obtained title to the various properties that were not sold on tax sale. Two of these properties are properties that would be useful to the Redevelopment Commission, should the county desire to transfer those properties to the Redevelopment Commission. Last year we had three properties that fell in this category, and they were deeded, by quit claim deed, to the Redevelopment Commission without any charge for that. I will advise the Commissioners that there are charges of the county in connection with acquiring titles to these properties. As to each of these, we think the notice charges, plus the charge for obtaining the 20 year title search, plus the attorney's fees that would be attributable to this would make the cost....the county has spent approximately \$600 on each of these properties. It would be reasonable for the county to consider charging the Redevelopment Commission \$600 for each property. On the other hand, these are properties that have absolutely no use to Vanderburgh County. If they're not transferred to the Redevelopment Commission, then they'll simply sit

there. No one is ever going to buy them. The only reason the Redevelopment Commission can use them is because they abut other property owned by the Redevelopment Commission, which makes it useful to them. It will make the property larger. I've discussed this with Ms. Rusk at the Redevelopment Commission this morning. They are going to have a meeting on this, I believe on September, well, I forget the date they're going to have a meeting, but following that meeting they're going to get back to me, and indicate what they would be willing to pay for these properties. I can then bring that back to the Commissioners, and then you can determine whether you want to accept that payment, if any, they may determine that they don't want to pay anything for the properties, or whether you just want to deed the properties to the Redevelopment Commission. I would suggest that you don't do anything at today's meeting.

Commissioner Tornatta: So moved.

Commissioner Korb: Ted, who would be responsible for paying the property taxes on that? Or, because we're a government body are there no property taxes?

Ted C. Ziemer, Jr.: Well, there are no property taxes after we take title. Yeah.

Commissioner Korb: Okay.

President Nix: A motion has been made.

Commissioner Korb: Second.

President Nix: All in favor? And, that motion, I guess, is to table this until you get back with us? All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<p><b>First Reading of Ordinance CO.09-07-012: Concerning Street Signs and Traffic Control Signs</b></p>
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President Nix: The next action item is first and final reading of CO.09-07-012, the street sign and traffic control. I believe, Mr. Blaine Oliver is here today from the Area Plan to discuss this. Good afternoon.

Blaine Oliver: Good afternoon. Blaine Oliver. Let me try that again. Blaine Oliver, Assistant Director of the Plan Commission. I'm before you this afternoon to discuss a proposed amendment to the subdivision ordinance. Basically, what the amendment does is it allows for signs, road signs and traffic control signs to be put in quicker than what the existing situation is now. It would be a developer's responsibility in new subdivisions to install the signs, whereas now the county is installing them. But, once a new subdivision is recorded, homes have begun to be built within the subdivision, often times there's a lag period there of maybe up to a couple of years before the streets are accepted and the county actually does go out and put the signs in. Or, actually it's the city sign shop that the county contracts with to put the signs in. So, we have this period where there's no signs out there. It's a safety problem for emergency vehicles, for delivery vehicles, and for the general public just not being able to find these new streets because there's no signs. So,

we've written this amendment to our subdivision ordinance to address that problem.

President Nix: Thank you, Mr. Oliver. Is there anyone else in the audience that would like to address this ordinance?

Bill Pedtke: Good afternoon. My name is Bill Pedtke. I represent the Southwestern Indiana Builders Association. We've had a chance to briefly look at this ordinance, and we've been talking about it for years actually. Our organization stands in support of having the signs up as early as possible. The safety benefits aren't enjoyed just by the residents in the new subdivision, they're also there by the workers that work on the construction sites that may or may not need emergency response. We don't have a problem with having the signs up at an earlier time. The question is about the expense. If the developers put up the signs, they'll have an expense. The ones I talk to probably think it's worth the expense to go ahead and have the signs there early. The rub is this, they don't want to have to pay for the signs twice. That would be an unfair burden on the housing in that area. If we could hold the people responsible for any damages to the sign, if they were installed correctly, then that would be most appropriate. So, what I would suggest to this ordinance is maybe a brief, a modest modification, so that this would happen, if after the signs are installed to the specs that the county sets forth, still no problems, that the signs would be inspected for compliance, that they are installed correctly and adequately and to the county's satisfaction, even with a one year warranty after that, just like the streets are done. But, if we could separate the sign installation from the street acceptance process, that would help us a lot. It would start the time, it would start the year time start faster, or sooner, I'm sorry. If we could hold, help hold the people who may do damages to the signs, either by truck with an accident or a car by accident, or by people maliciously hurting the sign, then we could hold them responsible. So, no problems with the developer installing it. Even willing to give on the cost of the signs up front, which the county now pays for. But, if we could just get the acceptance of the sign as early as possible, that would benefit us greatly, and all the home buyers in that subdivision.

President Nix: Okay, you and I had the conversation this morning on the phone. I guess, even from a legal standpoint could we actually go out and maintain these signs if they are, in fact, if the property hasn't been accepted by the county, I guess, is one question I have.

Ted C. Ziemer, Jr.: No.

President Nix: So, we would have no legal recourse to even go out and do anything after these signs are installed by the homeowner, or by the home developers?

Ted C. Ziemer, Jr.: That's correct, if we don't have title to the property. If it hasn't been accepted.

President Nix: That's one concern that I have. I guess, the other concern is too, during the construction process there's a lot of equipment, and there's a lot of people moving back and forth, you know, dump trucks and concrete trucks, and boom trucks to put shingles up on the roofs, things like that. I just have a concern that the county is going to end up responsible for things that the developers are doing as these projects go forward. That's a concern I have.

Bill Pedtke: Okay. If I could address number one. What recourse would the county use given this ordinance, after it's time? I guess, I may have been mistaken, but I

understood that the county would be accepting the street signs and the streets after a certain year.

President Nix: Well, after they're called for to be inspected, and the County Engineer would go out and inspect them. Then, once that inspection takes place, and is satisfactory to the County Engineer, at that point there's a one year warranty that the developer has to maintain. The inspection is done after one year.

Bill Pedtke: Right.

President Nix: It's my understanding that the way this is written, the way I read it is that this all falls within the guidelines of inspection of streets and drainage issues. Mr. Oliver, I don't know if you could maybe address that.

Blaine Oliver: That is correct, that it does fall within the inspection for the County Engineer of the streets. They would inspect the signs, once they're all in. What this ordinance does is it provides a time frame, once a subdivision is recorded, and a developer comes to our office and the Building Commission to get permits to build the first home within that subdivision, there's a 60 day clock that starts ticking, and those signs have to be in within the 60 day period. If they're not, John Stoll notifies our office, the County Engineer notifies our office, and we will not issue any more permits until the signs are in. Then, once the signs are in, the developer would have the responsibility to contact the County Engineer, and the County Engineer would come out and inspect for the signs then.

Bill Pedtke: With all due respect to by good friend Blaine, we're not talking about guys that aren't playing by the rules, we're talking about guys that want to play by the rules and get the time and the clock started ticking earlier, sooner. Not different, just sooner. If there's any extra cost, maybe it could be made up by the signs that the county's not going to buy at that point.

President Nix: Let me make sure I understand. You're wanting everything to be accepted earlier than the normal process?

Bill Pedtke: No, not--

President Nix: I'm not for sure.

Bill Pedtke: --everything. Just the signs. Developers install the signs, come out and inspect them right away, start that one year sooner.

President Nix: Mr. Stoll's got a comment.

John Stoll: If I understand it correctly, we would basically be sending out another inspector to take a look at it to make sure the signs were put in properly, is what you're asking for. The only issue I would see there is if legally the county has no obligations because the streets haven't been accepted, I don't know how the county, if a sign was knocked down, damaged, taken by a vandal, or whatever the case may be, if the county has no legal authority to be doing anything on those streets. I guess, that's one problem I would see is who would actually replace a sign if in what Bill Pedtke has talked about here? We would just have an inspection, and that's easy enough to do. I could have somebody go take a look at that and say, yes, the signs were put in per plan, but, in that scenario we would end up with a situation where if the one year clock started ticking, if we're legally not obligated to do any

work on the streets, and the developer is not wanting to have any obligations, I guess, I don't see who would be able to take care of it at that point. The extra inspection, we could make that work. It's just, from a legal perspective, I guess, we would have to figure out who would repair or replace any damaged signs in that time frame.

Bill Pedtke: Well, if it happened in the first year after you guys did the inspection, it would be the developer. He has the warranty on it for a year. It's not an extra inspection, it's the same inspection earlier.

President Nix: Well, I guess, this goes along with what we've been talking about all along is some of these subdivisions they're not one or two year projects, some of them are three or four or five year projects. I just can't see until the county accepts the roads and the drains along the side of the roads that we could do anything any different. I mean, unless there's some way, correct me if I'm wrong, I just don't see it.

Commissioner Tornatta: My question is, if we're addressing an ordinance on the signs, would we not be putting ourselves in some way, shape or form in the middle of this process, where we're expecting them to take care of the signs at said point, but then we're not coming through and doing anything on our side, like we would any other sign, if we expect them to do that? If we don't expect them, then it's outside the box, and we have nothing to replace.

President Nix: But, the bottom line, until the county accepts the road or the street, and goes through that one year warranty period, we have no jurisdiction out there. I mean, there's nothing really we can do from a legal standpoint.

Ted C. Ziemer, Jr.: Correct.

President Nix: Basically, we would be making improvements on private property.

John Stoll: Like Mr. Pedtke said, there really wouldn't be another inspection if the streets were accepted within that first year, then it's no problem, the problem takes care of itself. But, like was said earlier, we're dealing with the ones that end up being a problem where there are streets right now out in the county on subdivisions that letters of credit have been extended for up to ten years. So, that one year warranty period would have long since lapsed before the county accepted the road. So, in that time period between the end of the one year maintenance to the time the county accepted the road, I guess, that's where I was trying to get at as far as what would, who would be responsible for the street signs?

Ted C. Ziemer, Jr.: I guess, it could be amended to say that if the road is not accepted or completed for acceptance during the one year period, then the obligation of the developer to maintain the sign is extended beyond the end of the one year warranty period until the road is accepted. But, maybe that's doing the same thing that you're objecting to. I'm not sure.

Bill Pedtke: I think that's some middle ground.

Ted C. Ziemer, Jr.: Pardon?

Bill Pedtke: I'm sorry. I think that would be middle ground. I mean, it's a step closer to where I'm coming from.

Ted C. Ziemer, Jr.: I wonder if it might be possible, unless this is deemed to be urgent, that we simply have first reading of this today, and then, as it is, and then perhaps have a meeting between John, and you, and me, and Blaine, and we look at this, with your comments in mind, and my knowledge of county liability in mind, and John's knowledge of acceptance of streets in mind, and try to arrive at something that satisfies everybody, but meets the intent of this ordinance. Then we could amend it and then have it approved on second reading as amended.

Bill Pedtke: It could still happen at next week's meeting?

Ted C. Ziemer, Jr.: Well, that depends on whether the group can get together between now and then.

Bill Pedtke: Yeah, but, I mean—

President Nix: We have a meeting next week, but we do not have one the following week.

Bill Pedtke: So, you could do first reading tonight and then final reading next week?

President Nix: Well, or if everyone can come to terms by this time next week, yes, but, otherwise it would be another three weeks from today—

Bill Pedtke: Okay.

President Nix: —or further out than that, depending on when everyone can get together.

Bill Pedtke: That would be greatly appreciated.

Commissioner Korb: Can I just ask for clarification? Let me see if I've got this time line correct. You start a subdivision, the developer puts the signs up within the first 60 days? They install the signage, right?

Blaine Oliver: Within 60 days of getting their first permit.

Commissioner Korb: Okay.

Blaine Oliver: They may not come in and ask for permit immediately after a plat is recorded.

Commissioner Korb: Right, but once they sell, they ask for their first permit, that's when the signs are supposed to go up. Now, what Bill was talking about, let's say the subdivision takes three or four years to sell out, the one year warranty, to me, doesn't start until the developer turns over the property, or the streets, to the county. That's when the one year warranty begins. Am I understanding that correctly or not?

Ted C. Ziemer, Jr.: Well, except for the sign, their suggesting that the warranty on the sign be one year from the time the sign is erected. Isn't that what I heard you say, Bill?

Bill Pedtke: Inspected and approved.

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

Commissioner Korb: So, what you're wanting to have happen is, because if the subdivision doesn't sell out, and you still have lots, and it hasn't been turned over to the county yet, you're saying, at least for the sign purposes, not the roads, for sign purposes, the county one year from acceptance by John's crews, the signs then would become the property and management thereof and replacement of the county?

Bill Pedtke: I think that's what I'm saying, yes.

Commissioner Korb: Okay. Because as I was seeing it was that the time line started, the one year warranty started when the entire subdivision was turned over and then we had responsibility for the streets and the signs.

President Nix: Or in phases. It could be done—

Commissioner Korb: Yeah.

President Nix: —that could be done in phases too.

Commissioner Korb: If you get like a phase here in this subdivision. Yeah, exactly. That's, I'm fine with that.

Bill Pedtke: Right. That all is in agreement, I think.

Commissioner Korb: Well, that's why I think it's a great idea Ted's got. Let's go ahead and take it back and hammer it out so that way everyone is clear, and we understand what's going on with it.

Ted C. Ziemer, Jr.: One other question though, Blaine, since this comes as a recommendation from the Area Plan Commission, will our revision have to first be approved by the Area Plan Commission?

Blaine Oliver: That's correct.

Ted C. Ziemer, Jr.: Before it comes back for second reading?

Blaine Oliver: It would have to go back to Plan Commission. They would have to approve the amended version, and then it would come before this body for final approval.

Ted C. Ziemer, Jr.: That may extend the time a bit, but it would work.

President Nix: What I don't want to see happen is what we've been seeing on some, and not a lot, but there are a few of them out there, that the letters of credit have run out six, eight, ten years, these things aren't done, and the county's not necessarily on the hook, but the jobs just aren't getting completed. We need to make sure we've got teeth in this so that this thing gets, it's taken care of in a timely manner.

Commissioner Tornatta: I would just like to say, I think I know what the intent is, obviously for public safety, and for finding addresses, and for finding streets when officials are coming out of there, or police officers, or Sheriffs, or ambulance, but I would also like to see that we respect that builder, that developer who goes out there, puts the sign in that the county asks for at a certain time, put a sign down, and there should be, you know, like we do the streets, accept it or whatever, once that

sign's accepted, then, yeah, there's a year period and once that period is over, as long as they're in compliance with all of the rest of the factors, I mean, I would see where the county would then pick up that sign, if the county's asking for it. I think that's what we're seeing here, the county is asking for a developer to do something over and above what they've had to do in the past.

Ted C. Ziemer, Jr.: Except, Commissioner Tornatta, the sign, after the one year period, if the streets haven't been approved, will be on private property. The county would have no right to go on to private property to do anything with the sign.

Commissioner Tornatta: But, we're making them do something on private property that they would otherwise not do.

Ted C. Ziemer, Jr.: But, we're having them do it on their private property, not the county doing it on their private property.

Commissioner Tornatta: Right.

Ted C. Ziemer, Jr.: I understand what you're saying. Why don't we have this meeting, and I think we can maybe resolve this.

Commissioner Tornatta: Okay, I make a motion to approve a first reading.

President Nix: A motion has been made.

Bill Pedtke: Yes, I'll set it up.

Commissioner Korb: I'm waiting. We're not tabling this until they have discussion?

Commissioner Tornatta: We have to go through a first reading.

Commissioner Korb: Great. Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: I guess, we need a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes.

Bill Pedtke: Thank you.

President Nix: Thank you. Mr. Pedtke, thank you for coming tonight.

Bill Pedtke: Thank you for your time.

Commissioner Korb: Thank you for your time.



**Update on Burdette/USI Bike Path**

President Nix: Okay, the next action item is Mr. Steve Craig is here to give us an update on the Burdette Park/USI bike path. Good afternoon.

Steve Craig: Good afternoon.

Madelyn Grayson: The microphone is not on, Steve.

Steve Craig: Good afternoon. Thank you, Madelyn. I'm going to give you an update on the Burdette Park-University of Southern Indiana pedestrian bike and nature trail. This trail will provide 10,000 plus students and the community an environmentally friendly access between Vanderburgh County's largest park and one of the state's most rapidly expanding universities. The trail offers uses and users an opportunity to experience the rare, natural beauty of hidden lakes, an old stone quarry, native forest and wildlife, while providing a link between two of Vanderburgh County's most unique treasures. The development of this trail will offer a wide variety of teaching and learning opportunities for thousands of students and promote healthy living for residents of southern Indiana of all ages. In May of 2005, Bernardin Lochmueller and Associates was awarded a location alignment study contract in the amount of \$14,000, which would determine the route and the path between Burdette Park and USI. On February 21, 2006, the Vanderburgh County Commissioners signed a design contract with Bernardin Lochmueller and Associates in the amount of \$150,600. This was for the design of a 2.5 mile long bicycle pedestrian nature trail between Burdette and the University of Southern Indiana. This contract also included the preparation of legal description for easements needed for the bike path construction. On August 3<sup>rd</sup> of 2006, the Vanderburgh County Commissioners dedicated 32.5 miles of bike trails along the river bottoms. Four routes defined with signs and maps distinguished the difficulty and length of each different route, and were identified by the large trail head maps. These 32.5 miles will connect to the Burdette Park and USI pedestrian nature trail, and to the American Discovery Trail. When complete, this trail will be a unique treasure for the benefit of USI teachers and students, as well as fitness minded people of Vanderburgh County. With over 10,000 students and 150,000 visitors at USI and well over 200,000 patrons at Burdette Park a year, this very well could be one of the most utilized trails in the tri-state area. On December 9<sup>th</sup> of 2006, the contract was awarded to Blankenberger Brothers in the amount of \$416,392. Construction began in April of 2007 and is now near completion. The trail is approximately 95 percent complete, and with its natural beauty it well compliments both the University of Southern Indiana and Burdette Park. The remainder of the work to be done on this section of trail for completion includes fencing, gates and landscaping. On September 5<sup>th</sup> of 2007, the State of Indiana trail representatives met officials from both Vanderburgh County and the City of Evansville, including; USI President, Dr. Ray Hoops; County Commissioner, Troy Tornatta; Mayor Jonathan Weinzapfel; Brad Mills of the Metropolitan Planning Organization; County Engineer, John Stoll; INDOT officials, John Meyers, Calvin Evans, and Engineer, Brian Malone. Also in attendance was grant writer Debbie Stearsman; City Park Planner, Glen Boberg; City Park Director, Gail Riecken; and myself. The purpose of this meeting was to discuss our grant request of a million dollars to begin the next phase of the three phase project of the trail from Burdette to the University of Southern Indiana. Both the city and county presented their projects to Burdette Park-University of Southern Indiana bicycle, pedestrian and nature trail and the Evansville Greenway. Members of INDOT were very impressed with both projects, and although we do not know if our grant will be approved, I feel

very positive after this meeting. On September 13, 2007, I met with John Meyers, our local program director from INDOT, and Brian Malone, our local INDOT LPA Engineer, at the Burdette Park-USI trail and took them on a tour of the trail and discussed the history and the future of this trail. They were very pleased with the trail project and look forward to helping us with different ideas for future phases of our project. At this time I would like to thank Commissioner Troy Tornatta for arranging this organizational meeting, and at this time I would also like to thank all the Vanderburgh County Commissioners who have supported this incredibly unique trail from its inception. The ribbon cutting will be probably announced next week, I think we had talked about, and we'll pick a date.

President Nix: Thank you, Mr. Craig.

Steve Craig: Anybody got any questions?

Commissioner Tornatta: Well, I would just like to say that, you know, you kind of spearheaded things, and took off with the meeting, and you were able to kind of follow up with John Meyers and Calvin Evans and Mr. Malone when they came down, and it really seems like they're into the project. In fact, talking to you, they think that's kind of what these monies are for. Then, looking back, I kind of see that's how we would like to use those monies, on these projects, try and take as little amount of dollars out of our tight funds as we can, but, if we can get some grant monies like this, especially, you know, get upwards of a million dollars for this project, it's really gonna bring us something beautiful, and also bring some money from outside the county.

President Nix: Commissioner Tornatta, I would like to thank you for working with that too. Okay, anything else?

Ted C. Ziemer, Jr.: Just a question, you mentioned a ground breaking, I mean, a ribbon cutting. I thought there already had been a ribbon cutting.

President Nix: We had a ground breaking for the first phase back late last year.

Ted C. Ziemer, Jr.: Oh, okay, that's what.....okay, now this is the part that's completed, there's a ribbon cutting?

Steve Craig: Yes, we will have, the trail is actually completed, but we have some railings and that we have to put up for some of the parts for bicycles, but the ribbon cutting, and we will open it up to the public when all of these safety railings have been installed.

Commissioner Tornatta: But, you said that's a phase. Just so we clarify to the public. That's a phase.

Steve Craig: That's phase one of the three phases.

Commissioner Tornatta: And, it's about?

Steve Craig: It's point six miles long.

Commissioner Tornatta: And that's essentially encompassed on the Burdette Park grounds?

Steve Craig: Part of it's on SIHE's property. Actually, it starts out on Burdette Park, right behind the Discovery Lodge, and it runs down to Nurrenbern Road. Approximately, the last several hundred yards is SIHE property.

Commissioner Tornatta: Thank you.

Steve Craig: Thank you.

President Nix: Appreciate your time on this. Thank you.

**Apex Title: Independent Contractor Agreement (Commissioner Sale)  
Health Department: Midwest X-Ray Agreement Addendum  
County Clerk: Pitney Bowes Hardware Service Agreement**

President Nix: The next action item is contracts, agreements and leases. The first one, I guess, is an agreement with Apex Title bid. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, thank you. This is in connection with the county acquiring title to properties that were not purchased at tax sale. As was the case last year, we need a title company to provide 20 year title searches. Earlier this year quotes for title search work were presented. The low quote was Apex Title. What you have before you today is the contract that will be entered into between the county and Apex Title, under which they would do 20 year title searches at a cost of \$200 per search.

President Nix: Questions from the board?

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second. Can we work on this?

Commissioner Tornatta: No, it's going to be that way.

President Nix: Okay, the motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Mr. Ziemer, Midwest X-Ray agreement addendum?

Ted C. Ziemer, Jr.: Yes, this is an addendum to an agreement previously approved by the Commissioners between Midwest X-Ray and the Commissioners on behalf of the Health Department. Under this addendum, Midwest will also provide interpretation of x-rays at a charge of \$20 per study. That's the only change in the agreement. It is satisfactory for execution from a legal perspective.

President Nix: Questions from the board? If not—

Commissioner Tornatta: Oh, sorry. Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. Mr. Ziemer?

Ted C. Ziemer, Jr.: That's all I have that's on the agenda. I do have one more agreement under my report. Should I go ahead and do that?

President Nix: Go right ahead.

Ted C. Ziemer, Jr.: This is an agreement between the county on behalf of the Vanderburgh County Clerk, actually, and Pitney Bowes for the maintenance of certain hardware used by the County Clerk's office. I originally had some questions about the agreement, but I've been able to satisfy myself through conversation with Tim VanCleave, who acts as computer liaison with the courts, that funds are in place for this agreement. Therefore, I'm waiving any concern I had about it not having a failure of appropriation clause. The agreement will cost \$2,440 per year, and it is satisfactory for execution from a legal perspective.

Commissioner Tornatta: She's not here, is she?

President Nix: Questions?

Commissioner Tornatta: Well, it was just, I think the original, there have been several people who have come in here, and it's all about cost savings of actually sending out certified mail, is it not?

Ted C. Ziemer, Jr.: Yes.

Commissioner Tornatta: Potentially, this is something that can save the county \$100,000. Or, a number I don't know. That's kind of why I wanted her here to see if she knew what number we would be looking at.

Ted C. Ziemer, Jr.: I don't know what that number is. I also know this, that the state is considering taking over this particular function from the County Clerk's office. Though that may not happen until sometime in 2009, if it happens at all. But, if it does, we would no longer need this service.

Commissioner Tornatta: Okay, then it's a lease, a yearly lease?

Ted C. Ziemer, Jr.: It is a yearly lease, but it automatically renews unless we terminate on 60 days prior notice.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Anything else, Mr. Ziemer?

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

<b>County Engineer</b>
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President Nix: Department head reports, Mr. Stoll?

John Stoll: First, I've got a pipe acceptance request for section 6B of Bridlewood Subdivision. This is for 130 feet of 12 inch pipe, 140 feet of 15 inch pipe, and three feet of 42 inch pipe. The developer has paid the two dollar fee. So, it's requested that these pipes be accepted by the Commissioners.

President Nix: Just for the record, was that 40 feet or 140 feet?

John Stoll: 140 feet.

President Nix: Okay, thank you. I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Next, I have a street acceptance request for section seven of Stonecreek Subdivision. The street is 291 linear feet of Anchor Way. It's requested that that be accepted for maintenance.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: The next acceptance request is for section three of Carrington Meadows Subdivision. This is for 132 feet of Stapleton Drive, 124 feet of Pondella Drive, and 744 linear feet of Sylvan Court.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, next, you might recall a few weeks ago Mr. Jim Bush was here to request your approval to put "Share the Road" bicycle signs on a number of streets throughout the county. In working with him, and he's got his first sign order placed, I would like to request your authorization to put in work orders for the signs that will be provided by Mr. Bush on the following streets. On Oak Hill Road we would put signs, one northbound and one southbound, between Lynch and St. George, between St. George and Heckel, and between Heckel and Millersburg, for a total of six on Oak Hill Road. Then, on Browning Road there would be one in each direction between Old State and Schlensker, Schlensker and Boonville-New Harmony, between Boonville-New Harmony and Hillsdale, and Hillsdale and Old Petersburg, for a total of eight on Browning Road. Then, on Boonville-New Harmony Road we would put two between County Line and Big Cynthiana Road, two between Big Cynthiana and Bender, two between Old State and Browning, two between Browning and Old Petersburg, two between Old Petersburg and 57, and then two between Green River and 164, for a total of 12 signs on Boonville-New Harmony. Talking to Mr. Bush, he has his sign order in, basically, we would get those signs over to the Traffic Department, and put in the work orders to put the signs in these locations, and then have the Traffic Department proceed with getting everything installed.

Commissioner Tornatta: Mr. Bush is here. I would just like to thank you for what you've done. Any updates or anything you want to say?

Jim Bush: The good news is, with the signs going up the media has offered to run Public Service Announcements. These announcements are to educate the public of the importance of the sign for cyclists and for motorists. They are going to air these public service announcements starting the first week of October, which is really a high bicycle traffic area, or time of the year for this part of the country. So, thank you for your support on this.

President Nix: Thank you.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: The next item that I have is I would like to request approval to go to County Council to transfer \$5,000 from the Mt. Pleasant Road and Street Account to our Legal Services Account in the Road and Street Fund. We're about to run out of money on that account again, so, we need to get a transfer to take care of it.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, the last item I have is to request your approval on some right-of-way offers for the Green River Road-Millersburg Road intersection project. The owners and the offer amounts are the following; Arnold Heilman, and that offer amount is \$53,450, and William Heilman, the offer amount is \$500.

President Nix: Questions?

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Commissioner Korb: We probably should have gotten the Heilman brothers together, so they could have kind of come a little closer together on their prices for us.

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

Commissioner Korb: No.

President Nix: Fine, thank you.

Commissioner Korb: Thanks, John.

President Nix: Are there any other department heads to report? Seeing none.

<b>Board Appointments</b>
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President Nix: We'll go to the next action item, which is board appointments. The first board to be, for an appointment is GAGE. I would like to make a motion we appoint Commissioner Tornatta to GAGE.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. The next appointment is Area Plan. I will entertain a motion.

Commissioner Tornatta: Do you want to take the next—

Commissioner Korb: Should we do them all?

President Nix: That would be fine. I guess, he's on all of them.

Commissioner Tornatta: Alright, I'll make a motion—

President Nix: Let me read them into the record here, for Area Plan, MPO, Community Corrections, the Mayor's Education Roundtable, and DRCC, and that would be for Commissioner Korb.

Commissioner Tornatta: So moved.

President Nix: Second. All in favor? Aye.

Commissioner Tornatta: Aye.

Commissioner Korb: Thanks.

**(Tape change)**

President Nix: They're all early evening meetings.

Commissioner Korb: There you go. Atta boy. I love you.

President Nix: I've got the next few months off.

Commissioner Tornatta: New business.

President Nix: Okay, moving forward here.

<b>New Business</b>
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President Nix: Is there any new business?

Commissioner Tornatta: I think Dave Rector.

President Nix: Oh, excuse me. I'm sorry. Mr. Rector?

Dave Rector: Thank you.

President Nix: Mr. Rector, go ahead.

Dave Rector: Dave Rector, Building Authority. We'll give lessons on the mics. later on. You can only have four—

Commissioner Korb: Just call them Dork One, Dork Two, Dork Three, and you're good to go.

Dave Rector: The problem is so everybody doesn't talk at once. That was the idea.

Madelyn Grayson: I told you that wouldn't work.

Dave Rector: Two items to address with you. If you recall, on the Centre CIP program we had approved \$10,000 for an upgrade to the grease trap, at the request of the Centre. After we got in over there, and I took a look at it, it was woefully inadequate, and, in fact, it was an interior grease trap, instead of exterior. So, we redesigned it to install a 2,000 gallon grease trap on the exterior of the building. We moved the one on the inside, \$10,000 will not do that project, but \$30,000 would,



and I would like to request that we up that line item from the Food and Beverage, from the \$10,000 to the \$30,000.

Commissioner Korb: Do we have the power to grant that? Or is that a County Council thing?

Dave Rector: Yes, it's Food and Beverages of the Commissioners, and the Food and Beverage Account is just for the Centre projects.

Commissioner Korb: Alright, so moved.

Commissioner Tornatta: Second.

President Nix: Good question though. All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Dave Rector: The other item I have is a safety issue on some lighting over there that we need to rewatt some of the lamps and put some shields on some of the high bays. That would be approximately \$5,000.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Okay, thank you. Anything else, Mr. Rector?

Dave Rector: Not today, thank you.

President Nix: Thank you.

Commissioner Tornatta: It's a good thing.

President Nix: Is there any other new business?

Commissioner Tornatta: Yeah, I would just like to bring up potentially moving the Commissioner meetings, and just maybe taking a week or two to come up with some times, e-mail back to the office some times that would work for you, and see if we can find a time. Keeping it on a Tuesday, I believe, is what we need to do, but I would like to see maybe a later time.

President Nix: And, Mr. Ziemer, I guess, excuse me, a question, the meetings are set in place at the first meeting of the year.

Ted C. Ziemer, Jr.: Yeah, there's an ordinance we adopt at the beginning of the year, which sets the meetings. So, we would have to amend that ordinance.

President Nix: And, that could be done if it's agreeable that the Commissioners would rather meet a little later in the afternoon on certain days?

Ted C. Ziemer, Jr.: It could.

President Nix: Okay, thank you.

Commissioner Tornatta: And, just, I think I've looked at scheduling of the Commissioners as one, and two, the public sometimes has times, has a hard time getting here at a certain time. If we can schedule that, and try to get as close to the public, the County Council when we were in that seems to deal with office holders and with people inside county government, but the Commissioners definitely do deal with people, outside citizens, that want to have their say. So, kind of another reason why I'm looking that direction.

President Nix: I guess, along with that, the fact that we've added live video streaming, and we're live on t.v. and that we've addressed those issues, so, I think this is really more something that we just need to work out amongst ourselves. We can discuss this in a meeting in a couple of weeks then, so.

Commissioner Tornatta: Okay.

President Nix: Is there any other new business?

<b>Old Business</b>
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President Nix: Is there any old business? I guess, we do have one item here. We would like to set some dates for a public hearing on the Hamilton Golf Course. I've got some dates here for the Centre Locust Room. It's available the 3<sup>rd</sup> of October, the 4<sup>th</sup> of October, October the 11<sup>th</sup>, October the 24<sup>th</sup> and the 25<sup>th</sup>. That would be, those are, I guess, weekdays. Let me look at my calendar here.

Commissioner Tornatta: Yeah, the 3<sup>rd</sup> and the 4<sup>th</sup> is during the Fall Festival, so, that would be tough.

President Nix: Yeah, we wouldn't have many west siders there anyway.

Commissioner Tornatta: The 11<sup>th</sup> is during cities and towns—

President Nix: Okay.

Commissioner Tornatta: —so, I don't know if that's an issue. So, I think you're maybe pushing it to the 24<sup>th</sup> or 25<sup>th</sup>.

President Nix: The 24<sup>th</sup> is a Wednesday. We talked about maybe having it in the evening around 6:00 or so. Is that agreeable to the Commissioners? To the other two Commissioners?

Commissioner Korb: It is to me.

Commissioner Tornatta: That's fine.

President Nix: Okay, so we'll set the first meeting for the Hamilton Golf Course public hearing on Wednesday, October the 24<sup>th</sup> at the Centre Locust Room at 6:00 p.m. I guess, the other one is the, we had talked about trying to have one on a Saturday so that the people who couldn't make it during the week could possibly make it on a weekend, a Saturday morning. The 6<sup>th</sup> is the Fall Festival, that is correct? I believe that's correct, isn't it?

Commissioner Tornatta: Yes. Yes. Yes.

President Nix: Okay. The 13<sup>th</sup> is Oaklyn Branch Library is available on the 13<sup>th</sup> between 10:00 and 1:00. On October the 20<sup>th</sup> and 27<sup>th</sup> North Park Branch Library is available. Wait, North Park Branch Library is available on the 6<sup>th</sup> the 13<sup>th</sup> or the 20<sup>th</sup>. Do you all have a preference at all?

Commissioner Korb: You just need one of us to be there, is that where we are with this?

Commissioner Tornatta: The 13<sup>th</sup> is our secretary's wedding. Oh, in the morning, we could do it in the morning.

President Nix: Well, it's either that, or we could actually do it the same week, on the 27<sup>th</sup> of October.

Commissioner Korb: At North Park?

President Nix: No, this would be at the Oaklyn Branch.

Commissioner Korb: Okay.

President Nix: And, that's out there on—

Commissioner Tornatta: Oak Hill Road.

President Nix: Oak Hill Road, okay. Just right before Lynch Road.

Commissioner Tornatta: So, you're saying the 27<sup>th</sup>?

President Nix: Is that agreeable with—

Commissioner Tornatta: At what time?

President Nix: We would make it 10:00 in the morning.

Commissioner Tornatta: Okay, you're going to get me out of work.

Commissioner Korb: What time do you close, Troy, on Saturday?

Commissioner Tornatta: 1:00.

Commissioner Korb: I don't care.

President Nix: Right now it says it's available between 10:00 and 1:00.

Commissioner Tornatta: We can go with 10:00.

President Nix: Is that a problem? Okay, on the 27<sup>th</sup>?

Commissioner Tornatta: Uh-huh.

President Nix: Okay, that would be the 27<sup>th</sup> at 10:00 at Oaklyn Branch.

Ted C. Ziemer, Jr.: As to that, we will need to sign an agreement with the Public Library for the use of that space. The current form of that agreement has the county indemnifying the library without any limitation on our liability, which we have as a political subdivision in the State of Indiana. So, I have talked to the attorney for the library, and he agrees that he will allow an amendment of that agreement to that effect. So, you can go ahead and set your hearing to date, but by next week I will have a revised form of that agreement with the Public Library for the use of that space.

President Nix: Okay, great. Thank you.

<b>Public Comment</b>
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President Nix: The next action item is public comment. Is there anyone here from the audience that would like to speak to the Commission on Commission business? Seeing none.

<b>Consent Items</b>
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President Nix: There's a number of consent items. I will entertain a motion to approve consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: I guess, we'll go right into zonings. I think we have one zoning today.

(The Commission portion of this meeting was completed at 4:20 p.m.)

**CONSENT ITEMS:**  
**Employment Changes:**

Voter Registration (1)	County Highway (3)	Commissioners (1)
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**Travel Requests:**

County Clerk (2)	Voter Registration (1)	Health Dept. (3)
Commissioners (1)		

**County Engineer:** Pay Request No. 35: Green River-Burkhardt TIF Projects.

**Commissioners:**

Key Government Finance Disbursement No. 6.  
IBAP Gatekeeper Monthly Report: July 2007 & Client Letter.  
Area Plan Commission: Annual Multi-Hazard Mitigation Plan Progress Report.  
Letter of Intent to Apply for I-69 Grant Funds.  
Workers Compensation Judgement: Pamela Ward.  
Department Head Meeting Notes: September 11, 2007.

**Weights & Measures:** Monthly Report: 8/15-9/14/2007

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Roger Lehman	Blaine Oliver	Bill Pedtke
John Stoll	Steve Craig	Dave Rector
Jim Bush	Others Unidentified	Members of Media

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
SEPTEMBER 25, 2007**

The Vanderburgh County Board of Commissioners met in session this 25<sup>th</sup> day of September, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Vanderburgh County Board of Commissioners September 25, 2007 meeting. It's exactly 3:30, and I will start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Korb: Jeff Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

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

(The Pledge of Allegiance was given.)

**Award Bid for Demolition of 102 Read Street (Deferred)**

President Nix: The first action item is to award bids, this is for removal of debris at 102 Read Street. Is there someone here to address that? Award bids for 102 Read Street?

Commissioner Korb: Is that Ted?

Ted C. Ziemer, Jr.: No.

President Nix: Okay. I think the Building Commission was to be here today. So, we'll have to table that.

**Declaration of Open Burning Emergency Ban**

President Nix: The second action item is a burn ban declaration. I don't know if this is still in effect, but, I guess, we'll move forward with this. Does someone have a copy of the burn ban. Commissioner Tornatta, do you want to read that into the record please?

Commissioner Tornatta:

“Public notice, declaration of open burning emergency. The Board of Commissioners of Vanderburgh County, in order to protect the public welfare and safety during this unusual dry period and pursuant to the Vanderburgh County ordinance 8.12, hereby proclaims an OPEN BURN EMERGENCY. This emergency shall be in effect for all unincorporated areas of Vanderburgh County and valid 24 hours a day until further notice. No person shall set, start or attempt to set, or allow to continue an open fire within the county unless he or she has first obtained or has in his or her possession a written permit from the commanding officer of the fire department having primary jurisdiction over the area where the open fire is to be conducted. Any person deemed guilty of a violation of this declaration, and upon conviction, shall be fined not more than \$500.”

President Nix: Is that in the form of a motion?

Commissioner Tornatta: That is.

President Nix: I will entertain a second.

Commissioner Korb: Well, yeah, can we have discussion on that first?

President Nix: Sure.

Commissioner Korb: My only concern is the ambiguity of not more than \$500. Can we just like nail it down to one price? So that we don't have to sit down—

Commissioner Tornatta: We need a second first.

President Nix: Yeah, then we talk.

Commissioner Korb: Second.

President Nix: Okay, any conversation?

Commissioner Korb: Yeah, that's it. I want to find out if we can just have one price, instead of not more than. Just make it a set fee of 500 bucks, can we do that? Sorry.

Ted C. Ziemer, Jr.: You can.

Commissioner Korb: Then, I would like to amend that to just say a \$500 fine.

Commissioner Tornatta: I would incorporate that in my form of the motion.

Commissioner Korb: Great. The only reason why I'm asking for that, it just makes it a lot clearer, and there's no, well, oh, wait a minute, now how come you're not going to.

Commissioner Tornatta: It's kind of a moot point right now, because it's rained like four inches.

Commissioner Korb: Great.

President Nix: A motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Commissioner Korb: Thanks, Ted.

**EVPL Agreement for Use of Meeting Room  
Prosecutor: Adult Protective Services Grant Amendment  
Construction Agreement with SKE Investments LLC  
County Courts: Berbee Statement of Work: MARS System  
2006 & 2007 Anthem Schedule of Financial Variables**

President Nix: Okay, the next action item is contracts, agreements and leases. Mr. Ziemer, good afternoon.

Ted C. Ziemer, Jr.: Good afternoon. The first item is space lease for use of space in the library for the second public hearing that you've ordered in connection with the Hamilton golf course. That lease is satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

Commissioner Korb: We've got to get that fixed.

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next one is a grant to the Vanderburgh County Prosecutor for the Adult Protective Services program. The grant is for a total of \$285,592, of which \$142,796 would be spent in 2007, and \$142,796 in 2008. The agreement runs through 2009. The Prosecutors Office understands that they are responsible for fulfilling all obligations of the grantee under the grant agreement. So, it's satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second, but can we have some discussion on this too?

President Nix: Yes.

Commissioner Korb: The concern that I have is that, as you read through this it makes it pretty clear that the state can pull this at anytime. Are we going to add employees for this, Ted, do you know? Or are we just going to take from existing employees and pay for them this way?



Ted C. Ziemer, Jr.: I don't know the answer to that. I do know that this is recommended for approval by the Prosecutor. I would assume that he will only employ individuals who's terms of employment would run through the period of the grant, but I don't know that.

Commissioner Tornatta: Well, I can actually answer that question.

Commissioner Korb: Okay.

Commissioner Tornatta: Per the County Council, for the most part, anybody that is subject to a grant, is also subject to be fired when the grant ends.

Commissioner Korb: Okay.

Commissioner Tornatta: So, the Prosecutor knows that, normally the people that go in to that position could be from another area and they're just moving over, so, they know about it. If they bring somebody in, they're also told that if that grant runs out that they potentially could be let go.

Commissioner Korb: That was the concern I had. I did not know that. So, that's good to know.

Commissioner Tornatta: Yeah, they won't hold that up, and the County Council has pretty much made a standard of how they are going to handle those situations.

Commissioner Korb: Great. Good. No further discussion.

President Nix: Mr. Tornatta, did you make a motion?

Commissioner Tornatta: Yes, I did. Did you second it?

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Ted C. Ziemer, Jr.: The next item is with regard to the letter of credit for improvements to MJM Subdivision. The developer of that subdivision was unable to complete the improvements necessary for the subdivision. At the time the subdivision was approved he had posted a letter of credit in the amount of \$86,278 as surety for completing the required improvements to the subdivision. A property owner in the subdivision has come forward and indicated that he is willing to assume the obligations of the developer to complete the improvements required in the subdivision, as indicated on a punch list prepared by the County Engineer, and that he will have a contractor that he selects do that, and he understands that the total amount that his contractor could be paid for performing these services will be \$86,278, which is the amount of the letter of credit. If the work is done for a lesser amount and Mr. Flittner, who is that individual, believes it can possibly be done for less, then the excess would go to Fifth Third Bank as the issuer of the letter of credit. We've been working on this for a long time. We have some other letters of credit

issues in the county, but this would take care of this one. We'll take the next one as it comes.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Ted C. Ziemer, Jr.: The next contract is a statement of work from Berbee Corporation, which is a supplier of hardware and software to the County and to the City. In this particular case the statement of work covers a Cisco Monitoring Analysis and Response program, which goes under the acronym MARS, and that program will supply services to the Vanderburgh County Courts and to the City of Evansville. The total cost of the program is \$7,200, with the city paying one third of that amount, and the county, on behalf of the courts paying two thirds of that amount. That breakdown, one third and two thirds, is based on the equipment and services being more for the county courts than it is for the city. We recommend the approval of this agreement.

Commissioner Tornatta: The important part is it says that we have these already in the budget, these funds.

President Nix: I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Ted C. Ziemer, Jr.: Finally, you'll recall that a couple of meetings ago, under our refund agreement with the county's health insurer, it was determined that we would draw down the excess of premiums paid over claims paid. We signed a document to accomplish that. In that same connection, it's for the benefit of the county that we have in place an out-of-area claims agreement, which they call a schedule of financial variables. Under that, the pooling level for claims cannot exceed \$100,000, and it may well exceed that, but under this agreement it cannot exceed a hundred, and we won't be charged more than that. Anthem's refund discount will be limited to \$2,000. So, this is for the benefit of the county and will serve to increase the amount of our annual refund, under the refund agreement. We recommend approval of this.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. Mr. Ziemer, do you have anything else?

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

<b>County Engineer</b>
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President Nix: Department head reports. Mr. Stoll?

John Stoll: First, I've got some amended street acceptance requests for Carrington Meadows Subdivision. Last week we had processed an acceptance for Section Three of Carrington Meadows, and in that we had included 124 feet of Pondella Drive, but in reviewing the plats, all of Pondella Drive is in Section Two. So, I've got an amended Section Three acceptance that eliminates Pondella Drive. So, the Section Three acceptance is just for Stapleton Drive, which was 132 feet, and Sylvan Court, which was 744 feet. That eliminates Pondella for Section Three.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: In conjunction with that we found that there was an additional 191.39 feet of Pondella Drive that was in Section Two that was not accepted when that was previously accepted in '05 for Section Two. So, I'm also requesting acceptance of 191 additional feet of Pondella Drive in Carrington Meadows, Section Two.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, next I have a time extension request for contract number VC07-05-02, concrete repair of various roads. This is being done by JBI Construction, and they are requesting a 30 day extension until October 26<sup>th</sup>. I would request approval of that time extension.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

John Stoll: The last item that I have is in regard to the Bohannon Barrett Law project. There was a conflict with a water main out there. So, Easley's office had to redesign some portions of the drainage ditches out there. I brought those plans to you several weeks ago. We've now gotten the amended prices back from JH Rudolph for making those changes that Easley's plans had drawn up. I've got a change order here for an increase of \$14,162. They are also requesting an extension of the completion date until December 1, 2007.

President Nix: Motion?

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Sir? Are you here for Bohannon Estates? If you could wait till we get to public comment?

Unidentified: Okay.

President Nix: We can address it at that time. Thank you.

Unidentified: But, this is what I don't want approved.

President Nix: Okay, wait until we get to public comment please. Any other department heads.

<b>County Highway</b>
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Mike Duckworth: Mike Duckworth, County Highway Department. I've submitted to you, and I believe it's in your packet, information regarding a contract, and I had Mr. Ziemer look at it briefly. This is between Ivy Tech and the County Highway Department regarding the applicant testing of a position that we have open at the Highway Department. We would like to send some potential employees over to be tested, prior to hire. This is a similar contract that we've had before with them.

Ted C. Ziemer, Jr.: Yeah, we have a similar agreement in place. Ivy Tech performs a service to evaluate employees, and I did get to look at it 20 seconds prior to this meeting starting. But, I find it acceptable for execution.

Mike Duckworth: Well, I would have had it earlier, but I forgot that we were going to not be here for the next two weeks. So, I thought that we should continue the process. So, that's why my lateness in the request for consideration in this.

Commissioner Tornatta: I'll make a motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Mike Duckworth: Thank you.

President Nix: Any other department heads at this time? Thank you.

### **Board Appointments**

President Nix: The next action item is board appointments. This is for common construction wage for a project we have at the Old Courthouse, the Wedgewood Room. I'll entertain a motion to approve these two appointments.

Commissioner Tornatta: So moved, and that's actually board appointments, common construction wage, is that it?

President Nix: Yeah, uh-huh.

Commissioner Tornatta: Of Kristi Adams and Richard Lamb.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

### **Old Business**

President Nix: Next item is old business. This is a NACo Energy Star Change-A-Light campaign. I think we've got a, do we have a proclamation here for that today? Okay. Basically, we are encouraging county residents to make a pledge to change one incandescent light bulb in their home to an energy efficient one between October 3<sup>rd</sup> and November 30<sup>th</sup>. Residents of Vanderburgh County can go online and pledge to change a light at [NACo.org/changealight](http://NACo.org/changealight) and receive a three dollar off coupon for an energy efficient light bulb from Office Depot. Additional information, as well as a link to this website will be available on the Commissioners home page. Thank you.

### **Public Comment**

President Nix: The next action item, first of all is there any new, excuse me, the next action item is public comment. Sir?

Gerald Reddick: My name is Gerald Reddick. I live at 11711 Bohannon Drive in Bohannon Estates.

President Nix: Okay, how do you spell your last name, sir?

Gerald Reddick: R-e-d-d-i-c-k.

President Nix: Thank you.

Gerald Reddick: I'm here today because the rest of the people in this subdivision have fought this project for four years. I moved in last October, and I've been blind sided by it. I had no idea what was going on. But, all of a sudden work starts, and everybody I talk to, County Engineering Department, Rudolph's people, they're saying these are the most screwed up set of plans they've ever laid eyes on. I talked to Tom Goodman this morning and yesterday afternoon, he said the plans were ridiculous. He said that what has happened, they came out and started digging the ditches, and all of a sudden they are exposing an eight inch main water line coming in to the subdivision. Well, Rudolph had to stop. That makes sense. Well, the county don't want anything to do with it. The Water Department don't want anything to do with it. So, Rudolph's got no choice but to pack up and leave.

President Nix: Okay.

Gerald Reddick: Now, we've been sitting this way for what, two months? We've got ditches dug and it's a mess. Now, they're wanting an extension now. I don't have a problem with the extension, but I want the work done.

President Nix: Okay.

Gerald Reddick: We're tired of messing with it. Now, the reason that Rudolph has had to pull out, they've got to exchange pipe, do this and do that, is for one reason, it's because Andy Easley Engineering did not do the work like they should have done to know where this water line was, to know where the utilities were, and this \$14,000 request for add on to this job is coming out of my pocket and 24 other people's pocket, and I think it's a crock if this is approved. If they need that much money, let them go to Andy Easley and get it. He's the one that screwed them to start with. Now, this is getting a little bit ridiculous. All of a sudden now we've got a sewer project coming up out of this same deal, Easley said, well, it's not finalized yet, because we've got two houses on Fischer Road that wants to get in on it. Now, as I understand it, and I'm not a contractor in this respect, for those two houses to tie into this main line that runs down Boonville-New Harmony Road, they're going to have to lay a line all the way down Fischer Road to get to these two houses. And they're going to get it installed for the same price that the other 30 or 35 houses are getting it installed at? They're coming in on this thing on the back end. Now, I don't have a problem with them getting on sewer, but they're responsibility is from Boonville-New Harmony Road and down Fischer Road. That's not our problem. That's going to jack our costs up. Now, we're sitting here as the end customer in this whole deal, and we have had nothing to say in what goes on. I think it's time that it stops.

President Nix: Sir, were you notified by the previous homeowner that this Barrett Law—

Gerald Reddick: No, sir.

President Nix: —was being taken underway?

Gerald Reddick: No, sir.

President Nix: You were not? Mr. Stoll, I didn't know if you wanted to address any of this or not.

John Stoll: I guess, if Mr. Reddick was moved in last October there should have been a notice, because all the affected property owners were mailed notices of the resolution and the hearings back, what was that November and December of last year, Ted? So, the procedures were followed. I mean, the hearings, I know two of the three Commissioners weren't here at the time, but the proper procedures to the public notice were followed. As far as why Mr. Reddick didn't receive any notice, I really don't know.

President Nix: I'm just wondering, maybe because of the address change of the person that lived where you are at, maybe they got the notice and didn't see that you received it. Could that have been a possibility? Because it could have been, it was addressed to, I'm sure the previous homeowner?

John Stoll: There again, I don't have that handy--

President Nix: Right.

John Stoll: --but that's very possible.

President Nix: Right. I'm wondering if it was forwarded to the person that owned the home before you purchased it.

Gerald Reddick: I haven't heard anything about it.

President Nix: Okay.

Gerald Reddick: If that's the case.

Ted C. Ziemer, Jr.: Just to make a couple of comments from a legal perspective, the way a Barrett Law procedure works, the homeowners in a subdivision, like Bohannon Estates, select the engineer that they want to use. In this case, the owners selected the engineer who is doing the job. If they have a problem with that engineer, that's where the problem is, between them and the engineer. The county has nothing to do with the selection of the engineer. Then, the second thing that I wanted to point out is that relative to the sewer project that you mentioned, that will be a separate Barrett Law bond issue, and it has not even started yet. So, nothing is going forward on the sewers, at this time it's only the road improvements that are being done.

Gerald Reddick: I would like to ask a question.

Ted C. Ziemer, Jr.: Sure.

Gerald Reddick: I understand this project started in excess of four years ago, what's the problem?

Ted C. Ziemer, Jr.: I'm not sure I can answer that. But, I can tell you what I know about it. When you say it started four years ago, what that means is that people in the subdivision began to think that they would like to have some road improvements

done out there. They selected an individual, I can't remember who it was, and, again, it's not the county's responsibility, they selected an individual to go around to the homeowners and check to see who all was in favor of doing this and who wasn't. That usually takes several months to get that process done. Then, when they get to that point they select an engineer and he begins to develop the plans for the project. Then, after the plans have been developed, they have to be approved, and then following that we have public hearings, everybody in the subdivision is notified, both in the newspaper by publication and by certified mail sent to their addresses as shown on the tax records of this county that there's going to be a public hearing to discuss this. I remember this in particular, there was no one from the neighborhood who appeared at the public hearing to express any remonstrance at all regarding the project. After that's completed bids are taken, and if the bids come in under the estimate of the total cost for the project, then bids are awarded to the lowest, most responsible and responsive bidder, and the work begins. After the work begins it's in the hands of the contractor who's doing the work, not, again, the county has nothing to do with that. I do know that in this case they ran into a problem regarding the water line. That was unfortunate. I don't know who's fault that was, but I know that they did have that problem. The only way that we can resolve that problem is to have the request for a change order approved today so that the work can be done to avoid, I guess, breaking that main in the process of doing the work.

Gerald Reddick: Well, I talked to Justin from Easley's office at 2:05 this afternoon, and unless I'm mistaken, he told me that on September the 13<sup>th</sup> this change was approved. The money was approved. The changes were approved on September the 6<sup>th</sup>. Now, I don't know. It's hard to get a straight answer out of anybody. It's really getting frustrating, because here I am moved into a place, sunk a bunch of money into it, and I get slapped with a \$10,000 bill. Then the sewers are coming, and they're telling me it's going to be \$5,000-\$6,000.

President Nix: Once again, this sewer issue is another whole Barrett Law, is that correct, Mr. Ziemer? So, that's really not an issue.

Ted C. Ziemer, Jr.: That's right. That's not an issue now.

President Nix: I guess, the other thing, as far as the change, I don't recall any change order being approved for this until today, for this particular work. John, was there anything else out there?

John Stoll: We had some cost estimates submitted by JH Rudolph a couple of weeks ago, but I never brought those to you for approval. So, this is the first change order regarding the changes to the ditch grades and all the other issues associated with the water main. There were no other change orders. The original estimate that we'd received from Rudolph was around \$20,000. So, in order to stay in line with the overall maximum project cost, that's where we've been working with Rudolph to try to find what could be changed to lower the cost, and that's why it was delayed until today to be brought to you for your final approval.

President Nix: And they were able to get the cost down somewhat by, I guess, some value engineering?

John Stoll: We thought some of the unit prices were too high.

President Nix: We questioned those?



John Stoll: Then, Rudolph agreed to adjust it downward.

President Nix: Okay.

Commissioner Korb: John, are you comfortable with the change order that the project will move along a lot smoother than what it has?

John Stoll: Yes, this will allow them to get back out there, because the changes were made, basically, the ditch slopes had to be changed, some pipes had to be changed in order to be able to go ahead and get the intent of the project, which is reconstruct the road to about, I believe it's 19 to 20 feet in width with open ditches. The original plan, when the excavation was done for the ditches then it reduced the cover over the water main to virtually nothing. It was found that the original cover over the water main was roughly a foot and a half, as little as a foot and a half, when Easley's office said that they were originally told by the Water Department that it was three feet. So, there wasn't any, with that lack of cover, they couldn't take more dirt off and not hit the water main. So, the design changes were made to the ditches in order to try and get the project to progress again. Now, with the approval of the change order, now Rudolph knows they are going to get paid to make these changes and get back out on the job and get it done by December 1<sup>st</sup>.

President Nix: Sir, do you have a comment? You need to step up to the podium, please, and say your name, please, for the record.

Jess Sharber: My name is Jess Sharber. I'm Jess Sharber. I also live in the Bohannon Estates. You know, with all the frustration with the project, I guess, we've learned to live with some of that. As John can tell you, he's been out there and looked at some of the stakes and the changes. There's property owners out there that's property has been left in a mess. You know, we ought to have some assurance that at some point this project is going to be completed. As Gerald said, this has been rolling around for quite some time. I'm not saying that was your fault, because I was here in the meeting when it was approved for the cost of the project. My issue and concern is Andy Easley is the engineer, Rudolph is the contractor, where is it that we have a financial obligation to bear the cost of \$14,000 in changes that we did not have a public hearing on? We had a public hearing on an amount that said each homeowner was going to pay \$11,003. Now, I didn't think that day that I heard anyone, some of you are new, but, some of you were here, Troy was here, Bill was here, the attorney was here. No one told me at that meeting that this was a guesstimated cost, and that there is a zipper clause that says you may end up paying \$20,000. I didn't think that we were handing someone a blank check. If there's a \$14,000 cost that's been incurred because of whoever's mistake, and I'm not here to point fingers or lay blame. I am here as a concerned property owner that I have an idea what these projects are going to cost after I come to my representatives and they tell us clearly what that cost is going to be, and that we may, you know, we may incur additional costs because we really don't know if this is what the project should look like or not. I don't feel that we owe, we have the burden to pick up this \$14,000. And I believe before you approve that you need to call another public hearing so the property owners can speak on this issue. We need some assurance, if at some point we get by the \$14,000, some assurance that that project is going to be completed. People's property, fellas and ladies, have been tore up out there for two months. It's pitiful. Every time you call Andy, and we don't deal with Rudolph, because he deals with Andy, it's as Gerald says, I was told the first of the month that they would be back on the job the 14<sup>th</sup> or the 17<sup>th</sup>. I was told that by Jason. Well, apparently, from what you're saying today, there's no way

they would be back, you hadn't even approved any changes. I will say to you again, I don't think the \$14,000, folks, should be beared by the homeowners in Bohannon Estates. Somebody else needs to wear that one.

Commissioner Tornatta: Let's get a little clarification here, if you don't mind. I know I'm a familiar face, but I wasn't on when we approved this, but that's okay. John, if you can, are we still under the parameters of what they were initially told?

John Stoll: Yes. The total maximum project cost in the resolution was set in at \$250,000. So, we had a ten percent contingency set up in that. The original bids were about \$225,000. So, this change order ends up using up the remaining part of that contingency. We're just shy of \$250,000 with this change order.

Commissioner Tornatta: So, would that have been the money they would have been told would have been the maximum?

John Stoll: Yes, the resolution—

Commissioner Tornatta: Okay, so, in this monies that's spent today, if we go on with what we're looking at, would still be underneath? So, they would incur no additional costs than what they were once told?

John Stoll: Correct. The resolution capped it at \$250,000 for the street construction, plus legal fees and design fees. I think the grand total was like \$286,000, but we haven't exceeded that. This change order puts it right up to that limit, but it hasn't been exceeded.

Commissioner Tornatta: Right, and that's pretty much why you worked with the contractor to bring that price down to that point to where they would see no extra monies going out?

John Stoll: Correct. We couldn't exceed that.

Commissioner Tornatta: So, you're working for Bohannon Estates a little bit, trying to help them out. I mean, in all intents and purposes, working with the county to make sure you're not going to be spending that extra money. So, even though we approved extra money, it still finishes the project under what they originally told you that project cost would be?

Jess Sharber: I'm sorry I took up your time. Because I didn't understand that when he announced earlier that there's additional costs, I didn't understand that it was within, I didn't know there was a fixed percentage built in for mistakes or whatever. So, I'm sorry for that, but I would ask you to help us anyway you can to make sure that project gets a dead date and is completed by that date. This has went on, now we've got flags and poles in our yards. We've done had one neighbor got mad and pulled all of his up and throwed it in that Little Pigeon Creek they dug on his side of the street. So, we would ask any assistance you could give us on that, we would appreciate it.

President Nix: Sir, the fact that we acted on this today is to try to keep this thing moving forward. It's just taken some time to get Rudolph and everyone to come up with a price that was agreeable to us that fell within this limit. So, we appreciate you coming today. But, once again, these Barrett Law projects, we've got, how many do we have right now going, John? We've got the potential for a couple, and then three

or four, they're not easy projects to do, because you've got a general consensus, you've got a whole lot of people that you've got to please. John's really, I know every one of these things we just, we shudder at the fact of doing it. We'll continue to do it, but they're just hard, they're hard projects to get done. So, just bear with us on this. I don't know, Mr. Easley's here, I don't know if you had any comment on this at all? Okay.

Jess Sharber: Well, we were fairly patient until they started. Now, they've got us all tore up, and, you know, I understand contractors work by jobs, so, even though you've approved it today, we need some assurance that Rudolph's going to get back out there and get on that job and have that thing completed for us in some reasonable amount of time. Thank you.

President Nix: Thank you. Thank you for coming. Is there any other public comment?

Gerald Rettig: I don't mean to jump on the band wagon, but on August the 29<sup>th</sup> an article appeared in the Evansville paper concerning the Scott Township Assessor, John Habermel. Now, he went before the County Council, and they, with a money request, and they cut his request for rent from \$12,600 a year to \$6,000 a year, and told him he had to negotiate with the County Commissioners with regards to moving the office of the township assessor, which at its present time is in the Scott Township Fire Department building on North Green River Road. He wants to move it to a residence that he owns on Boonville-New Harmony and Old State Road. Now, my contention is, he says that there's a liability with people walking into the fire department building, going through the fireman's lounge and around the fire truck that's parked in the bay. I've been in that building since the assessor's office has been in there. Number one, I don't see a liability. You would have to be blind to walk into that fire truck. If you're blind, you need help walking. So, somebody could lead you around it. Number two, if he sees a liability of people walking through the building, why don't he get off his duff and pour a sidewalk on the north end of the building where there's an entrance door, and when you step inside that door, you're in the assessor's office? That sounds to me like a lot cheaper than moving an office. Furthermore, the assessor's office is paying the township fire department \$800 a month rent. Okay? That's like me taking \$800 a month from my left hand and putting it in my right hand. I still got it, I'm just using it in a different manner. It's still benefitting the township residents. If we let him move this office to a house that he owns, all we're going to be doing is paying his mortgage, and I think that's a crock. I think the money that's going into the township fire department's account, that's fine. But, then I look at this empty jail sitting over here. How long has that new jail been in operation, three years? Why haven't all these township satellite offices been moved into these buildings down here that the county owns, and they don't have to pay no rent? Gentlemen, I'm sorry—

Ted C. Ziemer, Jr.: For one thing, the office has to be in the township for which they are trustee.

Gerald Rettig: It has to be in that township?

Ted C. Ziemer, Jr.: It has to be in that township, yes, sir.

Gerald Rettig: Alright, then if that's the case, I'll say the same thing about that that I say about the state motor vehicle department that goes out and leases property in a new building and pays a lease on it for years. Number one, they don't pay taxes,

why don't they buy a piece of property, build a building that's big enough and stay there forever? Now, I got the same thing to say to you guys, you don't have to pay rent and help a guy pay a mortgage off. The county owns property, I'm sure, I'm sure that there's something that can be worked out with the Scott Township Fire Department property that the county could build a building, and there's plenty of room to do so, and put that township office, not only the assessor's office, but the trustee's office could be put in the same building. I'm kinda simple. I look at a dollar bill real hard, and I see a lot of waste.

Commissioner Korb: Excuse me for interrupting, has he brought that before us for discussion?

President Nix: I've seen some correspondence about it, but I don't know that he's been to a meeting to discuss this at all. There was some correspondence about it, but there's been no action taken on it. So, right now, they are where they are.

Gerald Rettig: Now, I went before the County Council with this. It was after the fact, and they had already flagged it over to you all for him to negotiate with you on moving the office.

Commissioner Korb: We've not heard from him, but your comments make a lot of common sense. I read the article too and I just smiled and thought that doesn't even smell right. So, for whatever that's worth, we're just waiting until it comes before us.

Gerald Rettig: Well, to me, thank you for your time.

Commissioner Korb: Point taken.

President Nix: Thank you. Appreciate your time. Any other public comment?

<b>Consent Items</b>
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President Nix: Seeing none, I will entertain a motion to approve the consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Madelyn Grayson: There is an additional travel request for the County Highway that needs to be added.

President Nix: Okay. Amended?

Commissioner Tornatta: Motion to amend to include an additional request for the County Highway.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We will start Drainage Board immediately.

Madelyn Grayson: We have to adjourn this meeting first.

Commissioner Tornatta: Motion to adjourn.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:10 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the September 18, 2007 Commission meeting minutes.

2006 & 2007 Anthem Schedule of Financial Variables.

EPD: Waiver of Centre Fee, Not O/T.

Evansville MPO: Revised Letter of Intent for I-69 Grant.

**Employment Changes:**

County Clerk (3)	Auditor (1)	Treasurer (1)
County Highway (2)	VCCC (1)	Sheriff Office (3)
Commissioners (1)		

**Travel Requests:**

Area Plan Commission (2)	Health Dept. (3)	DADS (1)
County Highway (1)		

**Area Plan Commission:**

Community Rating System Recertification.

Surplus Letter: 3 computers.

**County Engineer:** Pay Request No. 36: Green River-Burkhardt Road TIF Projects.

**Purchasing:** Monthly Report: August 2007.

**Treasurer:** Monthly Report: August 2007.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	John Stoll	Mike Duckworth
Gerald Rettig	Jess Sharber	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 16, 2007**

The Vanderburgh County Board of Commissioners met in session this 16<sup>th</sup> day of October, 2007 at 3:32 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, October 16, 2007. It's 3:32, and I will start with introductions to my far right.

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

Commissioner Korb: Jeff Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner. We'll do the shadows here in a minute. Go ahead.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: Along with us today we have some shadows here. I would like them to introduce themselves.

Andrew Ritter: Andrew Ritter, Mater Dei High School.

Sarah Krampe: Sarah Krampe, Central High School.

Ellen Scherger: Ellen Scherger, Central High School.

President Nix: Thank you, and welcome. I think we have a couple other students from North High School in the audience today too. Any other students here today? What high school are you from?

Unidentified: North.

President Nix: North? Go Huskies, eh? Okay. Appreciate you all coming today.

Commissioner Tornatta: That's right.

President Nix: If you would, please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Open Quotes for VC07-10-01:  
St. Joseph Avenue Bridge #1924 Installation**

President Nix: Our first action item is permission to open quotes VC07-10-01, St. Joe Avenue bridge 1924 installation. I'll entertain a motion to open the quotes.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We'll move right ahead.

**Proclamation: Memory Walk Day for Alzheimer's Awareness**

President Nix: The next action item is a proclamation for Memory Walk Day for Alzheimer's awareness. Mr. Bodkin is here today to address this.

Tom Bodkin: Thank you very much.

President Nix: If you hit that button there you'll—

Tom Bodkin: Modern machinery. You know, those lawyers won't mess with it. Thank you, Mr. President, for the opportunity to address the Commissioners. I get a smirk over here from the lawyer, you see. I have the privilege of being the chairman of the board of the Alzheimer's Association chapter that serves this part of Indiana, and all of Kentucky, except some counties around Cincinnati. I also have the privilege of serving on the national board of directors of the association. This Sunday at USI the Alzheimer's Association conducts its annual Memory Walk. We'll have over 1,000 people there. This is a fundraiser for the association to raise money to fight this disease. I appreciate the opportunity to request a proclamation from you designating that day as Memory Walk Day here in the county. I can tell you that you are joining neighbors in Warrick County, the Commissioners have so declared it to be that day in Warrick County, and the Mayor has done that in the city as well here. We have about 10,000 people in the tri-state that have Alzheimer's. My mother died of it, that's why the cause is so passionate for me. Every 72 seconds someone in the United States is diagnosed with Alzheimer's disease. We have over five and half million people in this country that have Alzheimer's. There are about five million people in Indiana, so, we have a state full of Alzheimer's, as it were. If we don't stop this disease, gentlemen, by the year 2020, 2030, actually, we anticipate some 16 million people with Alzheimer's disease. The current cost of the federal government is about 90 billion dollars a year. By 2010 that number is predicted, by the Office of Management Budget, to be 190 billion dollars a year. It begins to make the cost of the Iraq war look a little small, quite frankly, as we look at what may happen to us. Unfortunately, we have no cure for Alzheimer's. In fact, we have no effective treatments, at the moment. There are four drugs that are used today that affect about half of the people they are given to and last about 12 months. So, this is a very real epidemic. I would request your consideration in declaring Sunday, this coming Sunday, Alzheimer's Walk Day here in this county, so that the people of the county will realize the government is in fact, the local government, in fact, is committed to helping us find, not only a cure, but a way to reach our vision, and that's a world without Alzheimer's disease.

President Nix: Okay, before you step away, if you could, what time is it Sunday at USI?



Tom Bodkin: At 2:00 at USI on the campus, at where, and I'll get in trouble, because I don't remember the building. It's what I call the student union, but I went to Bloomington, so, you know, it's the same thing. Where the old library used to be. That's where we'll meet. The walk is one mile. You can run if you want. Most of us don't, we walk. We simply walk around the campus. We expect a beautiful day. The good Lord smiles on us every Sunday when we do that, and I think it will happen again.

President Nix: Appreciate your time with this, Mr. Bodkin.

Tom Bodkin: Thank you very much.

President Nix: I'll have Commissioner Tornatta read the proclamation.

Commissioner Tornatta: A proclamation recognizing the Alzheimer's Association 2007 Memory Walk:

"Whereas, on October 21, 2007, the annual Greater Kentucky and Southern Indiana Chapter Alzheimer's Memory Walk will be held at the University of Southern Indiana, and; Whereas, Vanderburgh County is located in the Greater Kentucky and Southern Indiana Chapter's territory, and; Whereas, every 72 seconds someone in America is diagnosed with Alzheimer's disease, and; Whereas, over five million Americans have Alzheimer's and over 500,000 Americans between the age of 30 and 65 have this degenerative memory-robbing form of dementia, and; Whereas, one in eight people over 65 years, and half of those over 85 years old suffer its effects, and; Whereas, in the next three decades 16 million people will have the disease if its not stopped. Therefore, be it proclaimed that Sunday, October 21, 2007 is hereby declared to be Memory Walk Day in Vanderburgh County and all citizens are encouraged to join in the fight to defeat Alzheimer's disease."

President Nix: Okay, and that is in the form of a motion?

Commissioner Tornatta: And that's in the form of a motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Tom Bodkin: Thank you, gentlemen. I appreciate it.

President Nix: If you'll stick around, I don't know, do you need this now? I was going to say we'll go ahead and sign it.

Tom Bodkin: I'll get it tomorrow.

President Nix: Okay.

Tom Bodkin: That's okay.

President Nix: Okay, thank you.

Tom Bodkin: Thank you.

**Burdette Park Tree Memorial Ground Breaking Ceremony Update**

President Nix: The next action item is Mr. Andy Schroeder is here today to talk about the tree memorial ground breaking ceremony at Burdette. Good afternoon, Mr. Schroeder.

Andy Schroeder: Good afternoon, Commissioners. Commissioners Korb, Nix and Tornatta. I appreciate you once again welcoming me here for this project. It's been a long time in coming, but would you like for me to give you a brief synopsis, just so we have it on the record?

President Nix: Please do, so everybody will get caught up then.

Andy Schroeder: Absolutely. In October of 2005, a woman by the name of Jean Cook was killed, shot to death, in an apparent robbery at the store where she was working in northern Vanderburgh County. A short time later, her daughter, Bobbi Jo Cook, came to me, I'm a reporter with the local Fox affiliate, and she asked me could I think of way to come up with some sort of memorial for her. Over the last two years, with a whole lot of help along the way, especially from Steve Craig and all the staff out at Burdette, and all of you sitting here before me, we've formulated a tree memorial that will be installed, if you will, along the new USI to Burdette hiking and biking trail, which is set to have its groundbreaking Tuesday, October 30<sup>th</sup>. So, coming up very quickly. After that groundbreaking for the trail, we're going to have a groundbreaking for the Jean Cook Tree Memorial, and I'm here today just to give you a little bit of an update on the progress, where we stand right now. Essentially, we're just x'ing out days on our calendar at this point, waiting to get to November 1<sup>st</sup> at 10:00 a.m. We've got some press information that has been prepared. I've worked with Steve, and also with the Commissioners staff. Also, Steve has worked with the Commissioners staff to make sure that we're putting out a document that has all the t's crossed and i's dotted. This will go out to all the local media, to let them know, not only to cover the event, but also to advise the citizens of Vanderburgh County on how they can participate in this tree memorial. It's also, apparently Steve has gotten with his staff as well to make sure that they're covered, from a few legal angles here, in case we get somebody that plants a tree and the tree gets bag worms and dies or something like that, unfortunate. But, Steve is doing a really good job of covering all those angles, that, I guess, I was kind of the idea man, and he is the realist. Which it's nice to have somebody help you out like that. So, we've got some press information that will be going out prior to today's meeting, or after today's meeting. We're going to get with Matt Arvay to make sure that that information is linked on the Burdette Park website. Fox 7 will also be providing a long term link to the Burdette Park website, so that we can direct folks, and to give them more information. I just wanted to let you know we ran a story on this last week, it was on the two year anniversary of Jean Cook's murder, and I've been inundated with e-mails and requests for more information about this. And was told just a short time ago by Steve that he's not too happy we put it out there, because his phone has been ringing off the hook. So, there is a whole lot of interest on this project. I want to take this opportunity, as I will several in the future, I'm sure, to say thank you from the bottom of my heart for making this possible. I know for Bobbi Jo, who cannot be here today, but will be here November 1<sup>st</sup>, she thanks you

immensely for making this a reality. I'm sure the citizens of Vanderburgh County are going to enjoy this long after we're all gone.

President Nix: Mr. Schroeder, or Mr. Craig maybe, just explain just in 30 seconds or so what's involved here, as far as if a person wanted to plant a tree and a memorial to someone.

Andy Schroeder: Absolutely, and jump on in if I say anything incorrect. What we've got going here is there's about eight tenths of a mile is constructed so far, right?

Steve Craig: Six tenths.

Andy Schroeder: Six tenths of a mile is constructed so far. Several trees were removed in the construction of the trail. So, there's an opportunity install several trees. The county was looking for a way to do it at low cost, and this is an opportunity to invite folks in, and they can sort of supply the trees, Burdette will supply the labor. You have two options. Steve has a lot of contacts, obviously, in the tree propagation industry, so, for a minimum \$50 donation to Burdette and the cost of a tree, they can get the tree for you. Or, if you get the tree on your own, you can bring it to Steve, and his staff will plant it. All you'll have to do is supply the tree. So, if you have an opportunity to get an inexpensive tree, you can do it on your own. Or, if that's something that wouldn't be possible for you to do, you can go through Steve, and we have a list of preferred trees, but I don't think we're going to exclude anything right now, unless it's some sort of noxious, invasive species that his staff would recommend otherwise. So, there are two different ways to do it. We've also got a little money set aside that we're going to try to use so we can open this up to everyone. If they don't have the financial resources, we've got a few hundred dollars set aside, and we're going to try and encourage people to donate, those who may be a little bit more financially well-to-do, so others who don't have the resources can still take part in this.

President Nix: And, one other thing, there's a plaque that will be purchased?

Andy Schroeder: Right, and this is not required, but if you would like there are two options, and Steve did a great job working with Tri-State Trophy. There's a brass plaque you can get, which is a little more expensive, but you can go through Tri-State Trophy, and they have been notified of how this works, and then staff at Burdette will install that. Or, they have a composite of some sort, some sort of composite material that's a lot less expensive. For whatever reason, so far people have been really interested in the more expensive brass plaques. I think that goes to show that people are really energized by this idea, and willing to take part and spend a little money to beautify Burdette Park, and to create a lasting, living memorial.

President Nix: Mr. Schroeder, I would like to thank you on behalf of the Commission on the work that you've done, kind of taken this project on your own to do, and Mr. Craig and his staff out there also. Any questions or comments from the board?

Commissioner Korb: The only comment I'll have is in the limitation of a couple trees, and we can talk about that later, Mr. Craig, is stay away from Bradford Pears, and the type of tree they just removed from the walkway, because the last thing we want to do is come back in five or ten years and say, oh, we have to cut the tree down because the pigeons have taken up home and they're crapping all over the trail.

Andy Schroeder: I think there's enough red hawks out at Burdette that pigeons aren't a—

Commissioner Korb: Just a thought. Just a thought.

Andy Schroeder: Yeah.

Commissioner Korb: To try and plan ahead a little bit.

Andy Schroeder: Rick Mitchell who's an arborist—

Commissioner Korb: Right.

Andy Schroeder: —has, a landscape architect—

Commissioner Korb: Great.

Andy Schroeder: —has done a great job of drawing up a preferred tree—

Commissioner Korb: Great.

Andy Schroeder: —list. So, we're going to try to steer folks along those lines.

Commissioner Korb: Super. Good, thanks.

President Nix: Thank you very much.

Andy Schroeder: Thank you all very much. I look forward to seeing you out there twice in one week.

Commissioner Korb: We can't wait.

<b>Award Bid for Removal of Debris from 102 Read Street</b>
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President Nix: The next action item is to award the bid for the removal of debris at 102 Read Street. I think we opened bids up a couple of weeks ago, Mr. Ziemer? That bid was, actually the only bidder was J.L. Crane Concrete, and that bid was for \$8,300. Is that correct? I'll entertain a motion.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

<b>Permission to Advertise November 2007 Polling Locations</b>
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President Nix: The next action item is permission to advertise the November 2007 polling locations. Apparently only one location has changed from the May primary,

Ward One, Precinct 13 has been moved to Plaza Park Middle School from Eastview Community Church. The ad went in the Courier, it says, by law, we have to advertise in the Courier, so, I guess, the other thing is that we've had a request to run this in the Our Times newspaper. I don't know if this is something we have to do, or if it's something we want to vote on today possibly.

Ted C. Ziemer, Jr.: Yeah, I think you should vote on it today.

Commissioner Tornatta: I would just make a motion to run it the legal time in the Courier & Press and then the one time in the Our Times newspaper. I will make that in the form of a motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<p><b>Letter to Congressional Delegation: FY'08 Federal Appropriations Request</b></p>
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President Nix: The next action item is a letter to the Congressional delegation for a federal appropriations request. Commissioner Tornatta, if you wanted to address this.

Commissioner Tornatta: That's not the—

President Nix: This was for appropriations for the University of Southern Indiana bike path, the Parkway, and some other items.

Commissioner Tornatta: Well, we've got, essentially, some of these are going into different bills, and what we're trying to do at this point, with this Commissioners group, is to narrow our focus as much as possible to address the University Parkway and its continuing on to Diamond Avenue. Then, we are looking at some opportunities to get some emergency warning sirens, and that's been very positive in the community, and we would look to pretty much finish up our warning sirens in this grant. Then, part of that will actually be to get in front of the Senators and the Congressman and see if we cannot just show how united we are as a Commission, and in a bipartisan effort to come up with some of these funds. So, this is something I think is much needed. There are opportunities for the bike path, but we also have looked for state funds for the bike path, and I think there are transportation enhancement dollars that are available, and that's kind of a place that we see that we can get some funds that are from the federal government, but allocated through the state. So, we can be more focused on some of the programs that we have right now. So, it's an on-going process, and as we found out that the appropriations from the federal government have been stalled a little bit, so we want to make sure that this being the appropriate time that we get in and just clarify our thoughts and make it one concerted unit toward a common goal.

President Nix: I guess, one thing under the sirens is that if we do in fact get the money we were requesting, we will have coverage for all the sirens in Vanderburgh

County to cover the whole county. So, that's something we feel like is very important, especially due to the things that happened a couple of years ago in November here. I feel like this is very important. Any other comment on that? I guess, we're going to be sending a letter, so, I guess we need a motion on that.

Ted C. Ziemer, Jr.: You need a motion to send the letter.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

**Reading of Bids for VC07-10-01: St. Joe Bridge #1924 Installation**

President Nix: The next action item—

Ted C. Ziemer, Jr.: Excuse me, Mr. President, do you want a report on the bids?

President Nix: That would be fine, if you're ready, sir.

Ted C. Ziemer, Jr.: I am. We've received bids for the St. Joseph bridge replacement. We have two bids. One is from CCC of Evansville. Their bid is \$77,535.27. Then we have a second bid from Koberstein Trucking, and their bid is \$79,625.

Commissioner Tornatta: Motion to take under advisement.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

**Resolution CO.R-10-07-012: Supporting the Construction of a Pedestrian Overpass at the Intersection of U.S. 41 & Washington Ave.**

President Nix: The next action item is resolution number CO.R-10-07-012. This is supporting the construction of a pedestrian overpass at the intersection of U.S. 41 and Washington Avenue. I believe Mr. Duckworth is here today to address that.

Mike Duckworth: Thank you, President Nix, Commissioners, ladies and gentlemen. I guess, I'll wear a different hat for a little bit today. I approached the Commissioners in regards to following up on a resolution that the School Board and now the City Council has passed, and that is in support of a pedestrian, the study or the construction of a pedestrian overpass at 41 and Washington Avenue. For years we have needed something in that area to help us get students across that very busy highway, to school and back. We're going to be asking, as you have today, Congressional folks and federal leaders, as well as state leaders, to look at funding

the study and that project to help that come to fruition. So, I would ask you to consider the resolution that's before you at this time.

Commissioner Tornatta: I'll make a motion that we recognize the resolution and submit it into our minutes for today.

Commissioner Korb: I'll second that, but I've got a couple of questions.

President Nix: Go ahead.

Commissioner Korb: I've read past reports, what's changed? The problem has been INDOT in the past, they've indicated that there's, no matter, that similar resolutions like this have been voted on and sent to them, and they could actually care less. Because they've conducted their studies and they've come back and said the numbers don't warrant this. What's different this time? What are you changing in terms of how you're approaching this with the state?

Mike Duckworth: That's a fair question. Let me say a couple of things have changed. First and foremost is the fact that we have a person now that's running our EUTS department that is in agreement that this is needed. In the past that was not the case.

Commissioner Korb: Okay.

Mike Duckworth: If you don't have an MPO that's supportive of it, then INDOT's not going to listen to you very close. So, Brad Mills is on line with this, and he and I have met. In addition to that, the Mayor, I've met with him, he is also considering, and I think is preparing a letter to INDOT requesting a study to look at this, and to see how, in fact, this might even be considered as a part of the Greenway project. That Greenway has the possibility of coming down Highway 41, and at some point in the stretch it's going to need to cross over Highway 41. The thought there is to look at that area, and we would cover a number of different issues at once there. So, of course, there are warrants that they have to meet that deal with the construction of such a structure. I guess, my feeling is that government should try to work around those things in the betterment and the safety for students and those pedestrians that need to get across a very busy highway. If we can do it for recreational purposes, we should be able to do it for young people going to and from school and other activities. The School Board is cognizant of this situation. We will put the necessary restrictions to students to and from school to utilize it, and we think by doing that that we can ensure their safety getting to and from school. Of course, no project and no remedy is full proof, but we want to take another look at it because of the increased danger and the amount of traffic that's in that area.

Commissioner Korb: I mean, I think it's a great idea and I think it should be done, but, again, as I've read before, basically, INDOT just says we don't really care what you all think, we say no.

Mike Duckworth: Well, and we've had different administrations, and we've not tried it under this Governor.

Commissioner Korb: Okay.

Mike Duckworth: So, we'll take a swing at it this time.

Commissioner Korb: Okay, great, thanks. That's all.

President Nix: Mr. Duckworth? Just a couple questions. Do you know how many students live on the west side of 41, and how many live on the east side, from Bosse, and what the enrollment is? I guess, those are the other questions.

Mike Duckworth: The enrollment's a little over 900, or right at 900.

President Nix: Okay.

Mike Duckworth: It fluctuates over and above, it's right at 900. I don't know the exact number that live in those neighborhoods, but I will tell you that it takes usually a couple of busses full of students that don't have the transportation to get there to get them to school. We have quite a few kids going back and forth for after school activities. To increase the amount of danger in that area, of course, we have Enlow Field and activities at the school and in the gym at night, and they're crossing there at night quite a bit. So, the state has put flashing lights, reduced the speed limits, but if you've seen the news coverage, you'll see that the crossing guards and the school administrators in those areas say that it's just a tragedy waiting to happen. I think we ought to take a proactive approach. I think we need to, kind of as a community get together, and that's why I've asked the City Council, your body, as well as the School Board to get together. We're going to contact Congressman Ellsworth, Senator Lugar, Senator Bayh, Governor Daniels, and any other person that might listen that can put their foot in this to try to get this done. So, it's something that we want to take another swing at, and, hopefully, we can get it done this time.

President Nix: Thank you. Okay, a motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Mike Duckworth: Thank you.

**Resolution CO.R-09-07-011: Transferring Property to  
the Evansville Redevelopment Commission**

President Nix: The next action item is resolution number CO.R-09-07-011. This is transferring property to the Evansville Redevelopment Commission. I believe this came up in a meeting here some time back. Mr. Ziemer, do you have some information on that?

Ted C. Ziemer, Jr.: Yes, it did, Mr. President. Yes, since it came up originally, there have been some discussions about the possibility of the Redevelopment Commission paying some consideration to the County for the transfer of these two properties. Since there were costs involved, publication costs, attorneys fees, recording fees, title search fees and so forth, and the Redevelopment Commission has determined that they are willing to pay \$699.20 total for both properties, and that would, in fact, reimburse the County for the expenses it incurred in taking title to the properties. So, we recommend that you adopt the resolution.



President Nix: Questions from the board?

Commissioner Korb: None.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<p><b>First Reading of Ordinance CO.10-07-13: Sex or Violent Offender Fees: Establishment of Administrative Fund</b></p>
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President Nix: The next action item is first reading of ordinance CO.10-07-013. This is the sex and violent offenders fees. Mr. Ziemer, do you want to address this?

Ted C. Ziemer, Jr.: Just to state that, I mean, I have advised the Commissioners by e-mail, but the purpose of the ordinance is to establish fees for registration of sex and violent crime offenders, which would be \$50 per year for the registration. Then also a charge of five dollars for each time that there has to be a registration of a new address for a sex or violent offender. In addition, it would establish a Vanderburgh County sex and violent offender administration fund, 90 percent of the funds collected by this would go into that fund to help defray the costs of administering the sex and violent offender registration and so forth. In addition ten percent of that would be paid to the Treasurer of the State of Indiana for deposit in the state's fund for the same purpose.

President Nix: We don't normally take public comment on first reading. Is that appropriate?

Ted C. Ziemer, Jr.: If there is someone that has comment. It's not inappropriate to take it.

President Nix: If there is any public comment on that? If not, I will entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We need to do a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. We will have final reading on that at the next meeting then, the 23<sup>rd</sup>?

Madelyn Grayson: We could, does that depend on the Council enacting this?

Ted C. Ziemer, Jr.: No, it doesn't. We'll go ahead and do first and second readings here, then we'll send this to County Council. I do know that it's being put on the agenda for approval by the County Council.

President Nix: So, we'll have second reading at the next week's meeting on the 23<sup>rd</sup>. Thank you.

**Addendum to SMG Management Agreement  
CPA Engagement Letters for Review of Centre Financials  
Phoenix of Evansville: OCH Lease Agreement  
Quantum Health: OCH Lease Agreement  
Health Department: Verizon Wireless Data Service Purchase Order  
Health Department: Liebert Global Services Renewal Agreement  
Health Dept: Childhood Lead Poisoning Prevention Grant Amend. No. 4  
Stone Tablets Consulting LLC: OCH Lease Agreement**

President Nix: The next action item is contracts, agreements and leases. Mr. Ziemer?

Ted C. Ziemer, Jr.: As the Commissioners know, we have a contract with SMG to manage the Vanderburgh Auditorium and Convention Centre. That contract calls for an audit each year of the books of SMG. It was determined, after some consultation with some CPA's that really the county could get by well with a review of the books and records of SMG, accompanied by the possibility of their doing some special procedures, if we request that. The cost of that, it's anticipated, would be substantially less than having an annual audit conducted. Then, in considering that, we know that it's possible for us to request an audit by the State Board of Accounts, and if we do that, then that audit would review amounts that vary from the SMG records by five percent or more, and SMG would have to pay for that audit. So, it seemed that it was appropriate to do a review, which is less costly, instead of an audit. To do that we have to amend the SMG contract to provide for a review instead of an audit, and you have before you today a proposed addendum to that contract, which contains a lot of language, but the effect of it is to change from a review to an audit.

Commissioner Korb: You mean the other way around?

Ted C. Ziemer, Jr.: Oh, yes, from an audit to a review. Thank you.

Commissioner Korb: Got it. So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Ted C. Ziemer, Jr.: Also, you have before you today two proposals, one by BKD to conduct the review. BKD indicates in a proposed engagement letter that their fee for that would be \$11,000, and then up to an additional \$5,000 should we request agreed upon procedures. Then there is a second engagement letter, a proposed engagement letter, from Harding Shymanski and Company to do those same services for \$9,500, with agreed upon procedures not to exceed \$5,000. It would be appropriate to select one of these to conduct the review.

Commissioner Korb: Ted, does Harding Shymanski do the city's review now with SMG?

Ted C. Ziemer, Jr.: Harding Shymanski currently is doing the city review with SMG, yes.

Commissioner Korb: And that would be for the stadium and—

Ted C. Ziemer, Jr.: It would be for the stadium and the Victory Theater, and—

Commissioner Korb: Mesker Park?

Ted C. Ziemer, Jr.: I don't know. I know it's the stadium and Victory Theater.

Commissioner Tornatta: It is Mesker Park.

Ted C. Ziemer, Jr.: And Mesker, okay.

President Nix: And Swonder.

Commissioner Tornatta: To me it seems like it would be in our best interest, especially since it's the low bid, to enter into agreement with Harding Shymanski, since they're doing the city's as well. I make that in the form of a motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, the next item is renewal of a lease in the Old Courthouse. The lease is with Phoenix of Evansville, which is operated by Mr. Pataki. Mr. Pataki, since he leased his space it became necessary to put some HVAC equipment in one portion of his space. That was done some time ago, but he has been utilizing the space as it is. But, given that, he has asked for a reduction in his rent for the space from \$9,880.56 per year, to \$9,444 per year. Then he also asks for an extension of the lease. He asks for some other things, which we did not recommend that you do, but you have a lease agreement in front of you which would provide for those changes.

Commissioner Tornatta: I make a motion to approve.

Commissioner Korb: You mean the new lease for him?

Commissioner Tornatta: Yes.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: You also have before you an addendum to the lease of space in the Old Courthouse by Quantum Health Automation. They want to lease additional, they currently lease two suites in the Old Courthouse, they want to add to that suite 111. The addendum that you have would provide for the extension of their lease through November 30, 2010. It would provide for an increase in their rent in two ways. One, by increasing their overall rent by three percent effective December 1, 2007 through November 30, 2010, and in addition by increasing their rent by \$506.77 per month for the additional suite 111, and we find this satisfactory for execution from a legal perspective.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: All in favor?

Ted C. Ziemer, Jr.: Next, oh, I'm sorry.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: Next, the Health Department has a need, has had it for some time for wireless data service that could be provided by Verizon Wireless. They've investigated that and have found that they can obtain two lines for wireless data service from Verizon for \$48.59 per month. There would need to be air cards, don't ask me what they are, used in conjunction with the wireless data service, but they are free. So, since they're free I didn't worry too much about what they are. The proposal that you have in front of you is to approve the Health Department obtaining two lines at \$48.59 per month per line. We find, there is 27 pages of standard Verizon comments about all of their various services, but we've reviewed those and we recommend that the proposal is satisfactory for approval from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. By the way, Mr. Ziemer, an air card is a card that allows you to basically use your computer anywhere via wireless.

Ted C. Ziemer, Jr.: That's why I come to these meetings, so that I can learn that sort of thing myself.

President Nix: You're not going to get much more out of me than that, I can tell you that.

Ted C. Ziemer, Jr.: Next, we have, also on behalf of the Health Department, this company, Liebert Global Services has had an agreement with the county on behalf of the Health Department for a number of years to provide battery backup power service for the freezers and the refrigerators in the Health Department lab. The agreement is identical to that of the prior year, with the only difference being that the cost has gone up from \$5,193 per year, to \$5,238 per year. A very small increase. The Health Department recommends that you approve this, and we find that it's satisfactory for approval from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: Also on behalf of the Health Department, some time ago the Commissioners approved a grant agreement for the Health Department. The state is now recommending that an amendment number four, and you've approved previously amendments number three, two and one, that amendment number four be approved, and the only purpose of this amendment is to add some technical information about the electronic and information technology accessibility standards, which I invite you to read at your leisure, and in addition there's a non-collusion affidavit. We recommend, we advise that this is satisfactory for approval from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

Ted C. Ziemer, Jr.: In addition—

Commissioner Korb: Whoa, whoa, whoa.

President Nix: Hold on just a second.

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

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: I don't want to ever be accused of going faster than the Commissioners.

President Nix: You won't turn your mic off.

Ted C. Ziemer, Jr.: Okay.

Commissioner Korb: He's an attorney.

Ted C. Ziemer, Jr.: When I get my mic on, I leave it on.

Commissioner Korb: Told ya.

Ted C. Ziemer, Jr.: We have another matter, and this we were only able to get to sort of at the last minute, but it got into the hands of Madelyn Grayson and she has execution copies of this should you decide to approve it. It's yet another Old Courthouse lease. This lease is with a company known as Stone Tablets Consulting LLC. Under this lease they would, under all of the standard forms that we have for leases of space in the courthouse, they would lease suites 105 and 106, for an annual rent of \$10,226.16, payable at the rate of \$852.18 per month in advance for a term of one year, ending October 31, 2008. We recommend your approval of this from a legal perspective.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: Finally, as you're aware consideration is being given to selling some 160 properties, which the county acquired title to after they were not purchased at tax sale. We think that the best way of selling these properties would probably be at public auction. There are some advertising requirements that will need to be met, there will be, in addition to that some appraisals that we have to do for all those properties that have an assessed valuation in excess of \$6,000. So, we're just in the process of putting all of this together. One of the things we will have to do though is select an auctioneer to actually do the auctioneering services, and in addition to providing auctioneering services, to perhaps assist the county in marketing these properties, at least some of the properties that might appear to be more saleable than others, so that the county could recoup maximum dollar value at the sale. We're requesting, as County Attorney, the right to submit requests for proposal to be received Mr. Kleinman, if that's correct, and by the way, we'll need to

obtain an address for him so that we can appropriately request this of him. In addition, Sohn Auctioneering Services, Hugh Miller Auctioneering Services, and Tucker Emge Auctioneering Services. We request the right to do that.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

**(Tape change)**

<b>County Engineer</b>
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President Nix: Is there any new business to come before the board?

Madelyn Grayson: You skipped department head reports.

President Nix: Oh, excuse me, I'll back up here. Department head reports. Any department heads? Mr. Stoll, I know you had a few things.

John Stoll: First, I have a storm sewer acceptance request on Section 7 of Stonecrest Subdivision. This is for 325 feet of 21 inch concrete pipe, and the developer has paid the \$650 fee for the acceptance of that pipe.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I have a storm sewer acceptance request for Section 8 of Stonecrest Subdivision. This is for 313 feet of 15 inch pipe, and 130 feet of 21 inch pipe, for a total of 443 feet. An \$866 fee has been paid.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

John Stoll: Then, third, I have another storm sewer acceptance request. This is for Sections 2A and 2B of Havenwood Subdivision. This 489 feet of 12 inch pipe, 753 feet of 15 inch pipe, 211 feet of 18 inch pipe, and 79 feet of 24 inch pipe, for a grand total of 1,532 feet, and a fee of \$3,064.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

John Stoll: The next item I have is a street plan approval request for Whitehead Subdivision. This is for a short extension of a rock road off of Kuebler Road. It will be a 20 foot wide rock road. It will be maintained by the property owners within the subdivision. It meets the standards for the rock road, so, I would request your approval of the street extension.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then also, the developers have requested a sidewalk waiver on that subdivision. Basically, since it's a rock road with no curbs, there's no reason to put sidewalks. So, I would recommend approval of the sidewalk waiver.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

John Stoll: Then, next, I have a letter of agreement for the levee accreditation. Basically, there's a section of the levee that is Vanderburgh County property, and FEMA is requiring these letters be submitted, and the letter basically says that the county agrees to pursue accreditation of the levee, which in turn means that there may be some future expense required on the county's part in order to meet the FEMA and Corp of Engineers requirements. But, this letter does need to be signed and submitted to FEMA now. This allows for a two year window for getting the accreditation process done. The accreditation will actually be pursued by the Levee Authority.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.



President Nix: All in favor?

All Commissioners: Aye.

John Stoll: Next I have a notice of intent letter for the Oak Hill and Bergdolt project. This is the notice of intent of land disturbing activities. It has to be submitted to IDEM, and this is for the proposed intersection reconstruction project that might go to construction next year, pending what happens with the Green River project.

Commissioner Korb: Motion to accept.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

John Stoll: Then, next, I have some right-of-way offers that need to be approved for the Cross Pointe Boulevard project. They are the following; parcel seven, Webb Development LLC, and that offer amount is \$421,400; parcel 11, Virginia Cross LLC, the offer amount is \$3,900; and parcel 12, SKE Investments LLC, and the offer amount is \$5,400. These are all based on the appraised values on the, the appraisals provided by the county's appraisers on the project.

Commissioner Korb: What was the first amount again, John?

John Stoll: Pardon?

Commissioner Korb: What was the first amount again?

John Stoll: \$241,400.

Commissioner Korb: Okay.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, last, I have right-of-way offer amounts for the Green River Road project. They are parcel four, Carey, and the amount will be \$36,300; and parcel 33, Buehner, \$41,500.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

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

President Nix: Thank you, Mr. Stoll. Any other department heads. Seeing none. Is there any new business?

Ted C. Ziemer, Jr.: I want to ask Mr. Stoll one thing. John? I'm sorry. Did you get the e-mail from Stan Flittner indicating the completion of the work?

John Stoll: Yes. I haven't had an inspector back out since I got that e-mail, but all the times that they have been out there at MJM Industrial Park they said the work was going along really well and looked really good. Basically, it needs some grass growth, but they had cut all the ditches and done all the work, put all the seed and straw down, it's just a matter of when the grass grows.

Ted C. Ziemer, Jr.: This is with regard to MJM Subdivision, which has been, how long has that letter of credit been outstanding?

John Stoll: The letter of credit was called in several months ago, and it took a while to get it resolved to where—

Ted C. Ziemer, Jr.: But, the project's been ten years?

John Stoll: Right, it was probably started ten years ago.

Ted C. Ziemer, Jr.: Ten years ago, and we just signed an agreement to do that with Mr. Flittner about a month ago.

John Stoll: Right.

Ted C. Ziemer, Jr.: And the work's completed. That's a pretty good result, pending your inspection.

John Stoll: It was looking really good the last time they were out there.

President Nix: Good. Thank you. Any other department heads? Okay, Mr. Duckworth?

<b>County Highway</b>
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Mike Duckworth: Just briefly, just a couple of things. I have a couple of things in the consent items. We're hiring three new employees, as well as we have a change order in regards to the new building, and I'm available if you have any questions on that. But, more importantly, I wanted to just point out, for the record, that this week the county lost a former Commissioner and County Clerk, Shirley Jean Cox. I thought it would be appropriate that the Commission just have that on the record that to keep her family and friends in good thoughts at this time. Thank you.

President Nix: Thank you, Mr. Duckworth.

**New Business**

President Nix: Is there any other new business? Seeing none.

**Old Business**

President Nix: Old business, just a reminder, we are going to have a couple of hearings on the Hamilton Golf Course. The first hearing will be the 24<sup>th</sup> of October, 6:00 p.m. at the Centre. We'll have some signage at the entrance to the Centre pointing out which direction the hearing is going to be. That's Wednesday, October the 24<sup>th</sup> at 6:00 p.m. The next hearing would be October 27<sup>th</sup> at 10:00 in the morning, we're going to have that at the Oaklyn Branch library on Oak Hill Road, right before you get to Lynch on the right hand side. Once again, the second, October 27<sup>th</sup>, 10:00 a.m. at Oaklyn Branch library. Is there any other old business? Seeing none.

**Public Comment**

President Nix: Now is the time for public comment. Anyone in the audience that wishes to address the board? Sir, if you could, come to the podium. If you would, state your name for the record, sir.

Ken Lefler: My name is Ken Lefler. As a long time resident, or lifetime resident of Vanderburgh County, it's becoming, the idea or the issue that I think that should be brought to your attention is voting places and their accessibility. I vote at Plaza School, and I know we were doing a lot of renovation there. The voting accommodations were pitiful at best. Two precincts were voting in one classroom, and they had a handicap voting place that wasn't wide enough to even get to with a wheelchair. Back down at the end of an aisle of four voting places. My offer was made to hand me the computer machine, and I could sit out in the aisle way and hold it on my scooter and then my arm and do my voting there. Which, I took that under consideration seeing that all the construction and that was in hand, you know, but now that we're under new facilities there at Plaza, it's still not easy to vote if you're in a wheelchair, because of the height of the voting machines. My challenge to the people who set these things up is to get out of the parking lot, or whenever you get out of your vehicle, to get in a wheelchair and see how easy it is to get in and to your duty of voting, you know. It's a real challenge. A three inch curb is like an eight foot fence to a person in a wheelchair. While they're there, maybe if they would do that, maybe even use the bathroom facilities to see how challenging they can be. My recommendation is to have one voting booth at a lower level, and maybe have a chair available that if a person in a wheelchair can come up, just move the chair out of the way and they can pull right in and vote. The angle, you know, that you have to get at to try to see the voting machine, you know, with our new electronic voting, is really not, it's not good at all. I would be willing to work with anybody that sets these things up. I'm a recent graduate from our Governor's Council on People with Disabilities, so, I've been made aware of more than ever of other people that have challenges, you know. So, I respectfully ask you to take that into consideration, and all the polls be made accessible. My answer, whenever I challenge some of these people, well, you know you can vote absentee ballot, but I choose not to do that. As long as I can get out and meet my neighbors, and aggravate them a little bit, you know, I choose to do that, you know. I really hope that you can take that into consideration and pass this information on along to other

people that are setting up the polls to make them accessible. It is federal law, you know, that they do that.

President Nix: Right.

Ken Lefler: Somehow or another it gets kind of slid by. When I voted at Plaza the last time, they said, well, they did tell me that we could take the computer out and set it over on a table where everybody else could watch me vote, you know. That's not the right answer.

President Nix: Mr. Lefler, have you voted at Plaza before the construction last year?

Ken Lefler: Yes. Even before, long before—

President Nix: And it was a problem then also, is that correct?

Ken Lefler: Yes.

President Nix: Was it any better before the construction?

Ken Lefler: Well, you know, I go back to paper ballots, and that wasn't an issue. That was a time when there were, or the old machines, you know, you pull shut and that, but I was on crutches at that time and it wasn't an issue, but now the more and more that I'm relying on this type of transportation, you know, because of my excessive, because of my physical condition. There are more and more people out there that are using these types of vehicles and using wheelchairs, you know. It just needs to be addressed.

President Nix: Ms. Kirk, our Clerk is here today. I didn't know if she wanted to address the Commission on this particular issue.

Ken Lefler: Okay, thank you.

Susan Kirk: Hi, Mr. Lefler. It's nice to meet you. I'm Susan Kirk, the County Clerk. If you would just stay here in case you have some comments.

Ken Lefler: Sure.

Susan Kirk: Hi, I'm Susan Kirk, I'm the County Clerk in charge of the Vanderburgh County Election Office. I agree with Mr. Lefler 150 percent. I do think though that if the County Commissioners, who are in charge of the polling places, and me as the Clerk work together, I think we might be able to not make it ideal, ideal circumstances, obviously, are a little difficult to do when we consider our polling places. As a matter of fact, you might want to consider Mr. Lefler for the Polling Place Advisory Board.

Commissioner Nix: I was going to ask him if he would be interested in serving on that.

Susan Kirk: He would great on that. But, to address the concerns, I think probably as the Commissioners, maybe the next time we do the polling places, if you could request an extra table, because I know in the Election Office what we do, we have three regular voting machines, and then we have an ADA machine, which is handicap accessible if your blind or so forth and so on. But, Mr. Lefler is absolutely

right, you cannot roll up to those machines and vote unless you're standing, basically. But, if we could take the machine, like we do in the Election Office, and instead of putting the legs on it, they open it up and set it right on the table to where there would be plenty of room to come up. You're going to be right beside the other voting machines, to ensure your privacy. I think, do you think, Mr. Lefler, that that would be satisfactory if we have a, and I think that's doable, if the Commissioners ask for another table, and then I will instruct our poll workers when someone comes in and they would prefer....I mean, we have people that maybe they just can't stand that long, and they need to sit down. We could actually put two on a table in case you needed to sit down and vote, and the table would be low enough to where the light would shine on it correctly to where you could see the screen. Does that sound agreeable to everyone?

Commissioner Korb: Susie, a couple of questions. Is there anyway a part of this can be put into place, I know it's the city election and we have no say in that, but—

Susan Kirk: Well, yes, we do.

Commissioner Korb: As County Commissioners?

Susan Kirk: We do everything and the city just pays us back. That's what happens. But, we still go through the same process where the Commissioners get the polling places, the Vanderburgh County Election Board still does the city election, poll workers, and then the city reimburses the county. But, yeah, we're still, we are still responsible for conducting the elections.

Commissioner Korb: I guess, I just didn't know that, because I can't vote in the city election because I live in the county. But, can we do anything between now and the next two and a half weeks.

Susan Kirk: Yes, I do. Number one, I will instruct the poll workers when they get, because it's a little late to be mailing out more letters to each individual facility. It would help probably at least if the Commissioners maybe could do the private places, like the churches and stuff, asking for another table, but I will instruct our poll workers when they get there, if there is not an extra table to please ask whomever's there at that time if they could possibly get us another table and a couple of chairs, and that they are to set the ADA machine up on a table that's low enough where anyone that comes in has the ability to sit down and vote if they need to.

Commissioner Korb: Okay.

Commissioner Tornatta: I think just making it aware to the people in the polling places that are there working that these are some concerns that we have and we would like to address those. I think that's going to be about as good as we can do for right now. Then we'll kind of put the plan in motion to see if we can't shore that up in some of the next elections.

Susan Kirk: Well, I think it will, I think this will help immensely. I mean, we don't really have any trouble in the Election Office. They still have privacy, and it works out very well. Hopefully, our trial run here in the city election, do you live in the city or the county, Mr. Lefler?

Ken Lefler: The city.

Susan Kirk: Okay, well, there we go. Then again, don't forget, ask him to participate and be a member of the Polling Place Board.

President Nix: Can I get your name and address before you leave?

Ken Lefler: It sounds like a title without a pay?

Commissioner Tornatta: Is there any other?

President Nix: Like most of these jobs.

Susan Kirk: But, you do a lot of good for people, so, that's important too.

President Nix: Yes, we do.

Commissioner Korb: Susie, the second question is, can we make it clear to the poll workers that it's okay if the ADA machine is not being used by someone who requires that type of service, that someone like me who is perfectly healthy can use that machine if the line is backed up? I say that because sometimes, and just out of respect for the voting machine downstairs, the ADA machine, when I've been in there is not being used and the line is backed up, there's no one with a handicap there, I'm thinking why not go ahead and streamline it and say go ahead and vote there?

Susan Kirk: Oh, absolutely.

Commissioner Korb: Okay.

Susan Kirk: I mean, they're instructed—

Commissioner Korb: Okay.

Susan Kirk: —yeah, you should not have, you use every available machine. The ADA machine can be used—

Commissioner Korb: Yeah.

Susan Kirk: —but, it's also, I mean, you go up there and unless you do something a little bit differently, it's just like voting on a regular machine. Someone could still, heck, you know, I wouldn't mind going in and voting sitting down too. I wouldn't, if I got the ADA machine that would be kind of nice to be able to do that. So, but, no, they're instructed that they use all four machines.

Commissioner Korb: Okay.

Susan Kirk: Because that's usually about all we can spare for each precinct is four machines.

Commissioner Korb: Okay.

Susan Kirk: So, yes, they can, but I will—

Commissioner Korb: Make that clear?

Susan Kirk: –reiterate that again at the instructional meetings.

Commissioner Korb: Just because it's imbedded in our minds don't park in a handicap spot, etcetera, etcetera.

Susan Kirk: Sure.

Commissioner Korb: There's just always a little reservation.

Susan Kirk: No, I think it's great that Mr. Lefler and we bring things up like this so that we can, you know, try to address them and make it easier. We want everybody to vote. We want to make it as easy as possible.

Ted C. Ziemer, Jr.: Susie, just one question, now, what exactly can the Commissioners do before this upcoming election in November? I mean, should they send a letter, or a phone call, or what do they need to do to these polling places?

Susan Kirk: Well, there are, the schools, normally they have plenty of tables. I don't think that's going to be any problem. Probably churches, places who may not be, you know, they're going to set up, there's not someone there all the time. Maybe if a letter could be mailed out from the Commissioners to the private places, like the churches, the VFW, places that we use that are not, like I said, a public place, just asking them if they could please spare another table and maybe a couple of more chairs, and then I will instruct the poll workers also, because I always tell them you'd better call before and be sure they're there and call the church on Sunday, because we usually know they're there on Sunday, and I will ask them to try to remind them also. But, maybe between all of us, we'll get the message out, and it will be prepared and ready election day.

President Nix: I should know this and I don't, how many polling places are there now?

Susan Kirk: 86.

President Nix: 86, okay.

Commissioner Tornatta: That's city.

President Nix: That's city only?

Susan Kirk: In the city, yes.

President Nix: And the total number, the total number is?

Susan Kirk: 136.

President Nix: For everybody? Okay.

Commissioner Tornatta: Right.

President Nix: Okay, any other questions? Mr. Lefler, appreciate you coming in today.

Commissioner Korb: Thanks, Mr. Lefler.

President Nix: If you're interested in serving on that board, we've got a place for you. Okay.

Susan Kirk: Very good. Thank you, Mr. Lefler.

President Nix: Is there any other public comment? Please step forward. Please state your name for the record, please.

Valerie Ferguson: My name is Valerie Ferguson.

President Nix: Good afternoon.

Valerie Ferguson: I appreciate this time to talk to you about an issue I have with the bridge on Heckel Road. It's, I don't know if you're familiar with the bridge, it's an historical bridge. It was reconstructed in 1999, and the bridge is really slippery when wet, even with cars. On June 18<sup>th</sup> of this year I approached two guys that had gotten in an accident on that bridge, and they were hurt severely. One was in the hospital for a total of seven days. I would like to ask the county to put up two signs similar to, or like the sign that is on, I've got pictures of the signs if you would like to see, and the bridge as well. As you can see in the picture, the bridge is real rough. I don't know if it could prevent another accident, or accidents, but, I feel that if there was a sign like that, maybe people that aren't from the area would look at that and possibly walk their bikes across the bridge.

President Nix: The County Engineer is here today. John, have you had a chance to look at this, as far as the request? Can you step? We can, I guess, the request is similar to what the city has on Ohio Street down here, where the tracks run at a 45 degree angle with the street. I can remember as a small child having an accident on the Ohio Street tracks.

Valerie Ferguson: I don't remember that bridge.

President Nix: No, you wouldn't remember that. This was long before. Is that something that we could look at?

Valerie Ferguson: Would you like to see the pictures?

John Stoll: I would think that we could get the work order put in to get identical signs like these put out at that bridge. That shouldn't be a problem. If it is a problem, I'll check with the sign shop and let you know.

President Nix: Okay.

John Stoll: But, I suspect that's where this sign came from. So, I would think they could make a couple more.

Commissioner Tornatta: I'll just say that I'll make in the form of a motion to look at getting two signs, saying for bicycle, what, to dismount their bike, people dismount their bike before—

Valerie Ferguson: Dangerous, bike riders must dismount.

Commissioner Tornatta: Okay.



Valerie Ferguson: I actually talked to Jim Bush—

Commissioner Tornatta: Okay.

Valerie Ferguson: —regarding, he, you, Mr. Tornatta, gave Jim Bush my phone number, he's the guy over the Sharing the Road signs, which that's a great idea, but this issue is kind of a little different, because it's a one lane bridge, and it's really slippery when it's wet. It's steel grated, and if someone could imagine putting their knees down on the bridge, you could imagine what it would be like. I couldn't imagine what it would be like flipping your bike off the bridge and getting hurt.

Commissioner Tornatta: Okay, so, the motion will be to get the proper language from John Stoll, the engineer, and to come up with a couple of signs for that bridge.

Commissioner Korb: Could you amend that to install the signs too?

Commissioner Tornatta: Sure.

Valerie Ferguson: Please.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Appreciate your concern, your time, and appreciate your patience today, kind of a long meeting.

Valerie Ferguson: Thank you very much. I appreciate it. Have a good day.

President Nix: Thank you. Is there any other public comment to come before the board?

<b>Consent Items</b>
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President Nix: If not, I'll entertain a motion to approve the consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. We'll start Drainage Board immediately.

Commissioner Tornatta: Motion to adjourn.

President Nix: Motion to adjourn? Do you want to second that, Commissioner?

Commissioner Tornatta: You can.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

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

**CONSENT ITEMS:**

**Commissioners:**

Approval of the September 25, 2007 Commission Meeting Minutes.  
Approval of the September 28, 2007 Executive Session Summary Minutes.  
Convention and Visitors Bureau Letter Regarding Hamilton Golf Course.  
Building Authority Revised 2008 Budget.  
Legal Aid: September 2007 Statistics.  
Industrial Contractors Contribution to Pigeon Creek Greenway Passage.  
Requisition No. 7: Key Government Finance: \$9,423.31.  
Knight Township Fire Department CDBG: Financial Statement Expenditure Report & Administrative Closeout Form.  
Hillcrest-Washington Youth Home: 3<sup>rd</sup> Quarter Fees.  
Cinergy Communications: Notice of Intent to Renew Lease of Suites 109, 110 & 208 in OCH.  
Department Head Meeting Notes: September 25, 2007.  
EPD: Waiver of Centre Fees Not OT.

**Employment Changes:**

County Clerk (5)	Sheriff Office (2)	Pigeon Assessor (1)
Scott Assessor (1)	Co-Op Extension (1)	Prosecutor (1)
Election Office (3)	County Highway (5)	Recorder (1)

**Travel Requests:** Health Department (7) Commissioners (3)

**County Engineer:** Pay Request No. 37: Burkhardt-Green River TIF Projects.

**Treasurer:** Year-to-Date Report: August 2007.

**County Clerk:**

Transfer Request: Check/folder sealer.  
Monthly Report: August & September 2007.

**County Auditor:** October A/P Vouchers.

**Surplus Requests:**

Area Plan: Three computers & four monitors.  
Sheriff: 13 vehicles.  
Auditor: County maps, cords and paper.  
Clerk: 150 transfer cases.

**County Highway:** Change Order No. 1 for New Building: ECI Construction.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Tom Bodkin	Andy Schroeder	Mike Duckworth
John Stoll	Ken Lefler	Valerie Ferguson
Susan Kirk	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
OCTOBER 23, 2007**

The Vanderburgh County Board of Commissioners met in session this 23<sup>rd</sup> day of October, 2007 at 3:31 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, October 23, 2007 at 3:31. We're a minute or so late. I'll start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Korb: Jeff Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Nix: If you would, I missed one introduction. To my right here is, excuse me, two introductions. To my right is—

Andrew Ritter: Andrew Ritter, Mater Dei High School.

Ellen Scherger: Ellen Scherger, Central High School.

President Nix: Thank you.

**Permission to Open Quotes for Renovation of Wedgewood Room**

President Nix: The first item is permission to open quotes. I understand that we've had somewhat of a little bit of a concern about the quotes, the way they've been presented. We're probably going to look at a no bid on this. Go ahead.

Ted C. Ziemer, Jr.: I don't know. Have we solved the problems? Or do we still have problems? Debbie?

Debbie Spalding: Debbie Spalding with the Purchasing Department. We did find the drug policy, after closer review, is in the package. As far as the MBE/WBE policy, there was verbiage that the information could be found after the instruction to bidders. Those documents weren't physically in the package. Mike Shoulders was saying, the architect was saying that many times a contractor will go ahead and, they

know what the documents look like, and they will go ahead and include them with the bid. So, I'm not sure if that's what happened, if they're in the bid or not.

Ted C. Ziemer, Jr.: Well, the Commissioners have the option, if they are concerned about whether the bids, as advertised, and then in the specifications for the bids, whether or not they contained all the county requirements for bidding. If you have reason to believe that they did not, you can reject all of the bids. We won't open them, we'll readvertise and open them at the subsequent meeting.

President Nix: I would feel more comfortable with not opening the bids at this time and revisit this, I guess, in two weeks, making sure that all the information is correct. I don't know if the Commissioners have any other opinion.

Ted C. Ziemer, Jr.: Well, excuse me, we either reject them or we open them. If we reject them, we readvertise and every, so, it won't be ready, I don't think in two weeks. It might be ready in two weeks. I don't know whether we can make it in two weeks.

Mike Shoulders: Can we open these bids, examine them, see what the contractors have included, and then if we elect to reject them, do so after the review, the full reviewing of what's inside?

Ted C. Ziemer, Jr.: Mr. Shoulders, my concern about that is, after we've opened them, they become a part of a public record. So, other potential bidders would have the opportunity to know what these bids were.

Mike Shoulders: Well, that's fair, if you think you might have to reject them.

Ted C. Ziemer, Jr.: So, there's no harm, no foul if we just reject the bids today, readvertise, these bidders and any other bidders that want to bid can submit bids for the next bid opening, and then everybody's on the same footing. In the meantime, before we advertise we make sure that the ad and the specs do contain all of the county's standard provisions for bidding.

Mike Shoulders: Okay, we, you know, the project's been sort of schedule challenged and I hate to see us move it back, but if you feel that that's the prudent way to go, then I can't argue with it.

President Nix: I guess, the question I have is, is there a way to get this on the 13<sup>th</sup> of November's agenda, and receive the bids and accept them that day, and then also maybe award that day? If at all possible.

Debbie Spalding: The advertising rules state that they have to be a week ahead, the second advertisement is a week ahead of the bid opening, at least. Then the previous is a week ahead of that. So, I don't know if, since it was already advertised, if we could say that it was advertised and we're just extending it like an addendum? That would be a question.

Ted C. Ziemer, Jr.: The problem is that other bidders who did not respond to the first advertisement wouldn't know that they've got an opportunity to bid again.

Debbie Spalding: So, you're saying we should advertise again?

Ted C. Ziemer, Jr.: If we are going to reject the bids, I think we should readvertise.

Mike Shoulders: That's true there, because a bidder may not have had time, as of this date, and had that person known that this was extended for one or two weeks, that person may have elected to be in the bidding process, and could turn around and cause us problems. So, I think that is correct what you're saying, at least from where we sit and our experience.

Ted C. Ziemer, Jr.: It's just that while we would like to bend over backwards, I think, plus the law requires it, that we don't give any advantage to any bidder, nor do we place any bidder at a disadvantage by some prior knowledge or anything that we gave to any other bidder. So, I think the best course of action, if we are not going to open them today, will be to reject them, readvertise and open at the advertised date.

President Nix: Run me through this one more time. When could we do that then, with today being the 23<sup>rd</sup> of October?

Debbie Spalding: It can't happen in two weeks.

President Nix: Okay.

Debbie Spalding: If you're having a meeting in two weeks, because of the advertising dates.

Mike Shoulders: The law is that you advertise twice, seven days apart, and then no sooner can they be opened than 10 days after the second bid, so that's 17, and then it takes some notice to get it in the newspaper. They can't just, like, it takes like three days before the newspaper can get it in the hopper to be published. So, it's at least 21 days, I think, or something like that.

Commissioner Tornatta: Okay, hold on a second. You say ten days, not seven?

Mike Shoulders: No, no, it's, okay you run the first ad that's when the period starts.

Commissioner Tornatta: We could run it on say, it's the 23<sup>rd</sup>—

Madelyn Grayson: The paper's got to have a three day notice. So, the earliest you could get it in the paper would be Saturday. If that's an okay publication date?

Mike Shoulders: Then you would have to advertise a second time, seven days later, and then you would have to allow ten days after the second running of the ad before you can actually open those bids. So, that's 17 days, plus the three or four days to get it in the paper.

Commissioner Tornatta: Okay, and that would be on the 13<sup>th</sup>, that would be on the 13<sup>th</sup>.

Ted C. Ziemer, Jr.: Yeah, really we've got three weeks here. Now, does somebody got a calendar? You're looking at a calendar?

Commissioner Tornatta: Yeah.

Ted C. Ziemer, Jr.: Let's say we advertise Saturday, then the second advertisement, or Saturday is the what?

Madelyn Grayson: October 27<sup>th</sup>.

Ted C. Ziemer, Jr.: The second would be the following Saturday, which is what date?

Commissioner Tornatta: The 3<sup>rd</sup>.

President Nix: That would be the 3<sup>rd</sup>.

Ted C. Ziemer, Jr.: Okay, then is it ten days between that and the 13<sup>th</sup>? It could be done.

Mike Shoulders: Yeah, it could just barely be done.

Commissioner Tornatta: Maybe even a day early.

President Nix: We've got someone here that's—

Tom Groves: I'm Tom Groves with ARC Construction. I've faced this situation before on minor technicalities, and what's happened before is there's a statement in the bidding documents the owner has the right to reject or accept any and all bids no matter if it's just a small technicality for the WBE and the MBE form was not attached. Well, some people went ahead and included that in their bids. It's a minor, real minor technicality, and it's penalizing the people who has already bid the job today, in my opinion.

Ted C. Ziemer, Jr.: Well, I don't know that it's penalizing anybody, because nobody knows what your bid is.

Tom Groves: Yes, but still the bid date was today, and, like I said, now it's just going to give more people opportunities. The bid date was set, and if people didn't read it, or didn't pick the plans up, it's giving an unfair advantage to the people who didn't bid the job today, in my opinion.

Mike Shoulders: The only difference, Tom, is what's being said is that there was something left out of the specs. It's not a defectiveness on the part of a bidder. We're saying, or they're saying, or we're all saying that there's a WMBE form that was not in there. Now, what he's saying is that most of the contractors have that form, they've used it a hundred times, and since it's alluded to in the specs, they will fill it out and include it. If we open the bids, we may find it in there, but we may not. So, you know, I think the prudent legal, I'm not the attorney, Ted's the attorney, so, we need to follow his prudent—

Ted C. Ziemer, Jr.: Thank you for that.

Mike Shoulders: —you know, I mean, I know more than he does, but at least he's got a sticker and a stamp that says he's an attorney see.

President Nix: Okay.

Tom Groves: I just know the owner has done that by saying we can accept or reject any and all bids.

President Nix: Okay, thank you, sir.

Tom Groves: Thank you.



Mike Shoulders: Thank you, Tom.

Tom Groves: Thank you.

President Nix: Commissioners? Commissioners?

Mike Shoulders: If I could add something here, I heard, and this is totally unofficial, off the wall street talk, that there was some confusion and the bids might be higher than they could have been with some clarification that we didn't have time for at the end of the bid period by addendum. We can do that now, and probably save ourselves some money. So, if that factors into it. I mean, that's unofficial, that's not, that's just something here say, but I'm thinking there could be some truth to this.

Commissioner Korb: Mike, when was construction supposed to start?

Mike Shoulders: Pardon me?

Commissioner Korb: When was construction supposed to start?

Mike Shoulders: Well, you know, it's not weather challenged, it's just, you know, we would like to start booking engagements around the first of the year. But, I mean, we're pushing that and we're not going to....is there a wedding reception scheduled?

President Nix: There's talk of a reception, I don't have the exact date in March, we have not booked that. So, that's not--

Mike Shoulders: In the specs, I think the scheduled completion date was, Tom, do you remember? Was it March 1<sup>st</sup> or March 15<sup>th</sup>?

Tom Groves: March 15<sup>th</sup>.

Mike Shoulders: It was March 15<sup>th</sup>, and maybe they can still meet that, if we do meet this 13<sup>th</sup>, you know, date.

Commissioner Korb: Well, my inclination is that it's, someone new going to bid is probably not going to get that wound up and into it on such a short time notice and time table, we only have two bids here, but, unfortunately, I think it's the legality of it all. We don't want to expose ourselves to that, that would be kind of silly.

Mike Shoulders: I agree, but you may lose those two bidders too though. So, I just don't, I think the prudent action is to go with counsel's recommendation. Our apologies for missing that one sheet of MBE/WBE, but it happens and we'll be sure it's in there this next time.

Commissioner Korb: Are you going to clarify the other stuff that you said was...okay. Okay.

President Nix: I'll entertain a motion.

Commissioner Korb: So moved.

President Nix: What are we voting on?

Commissioner Korb: Well, we're voting on rebidding this thing and putting it in the newspaper on the timetable that we discussed. Is that right, counselor?

Ted C. Ziemer, Jr.: Yes.

President Nix: The motion has been made.

Commissioner Tornatta: Second.

President Nix: And seconded. Any other conversation? If not, all in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Madelyn Grayson: Commissioners, could we get clarification on who will be placing the legal ad? Is that something I'll be placing on behalf of the Commissioners, or Purchasing?

Ted C. Ziemer, Jr.: I would prefer that you did, because you know exactly what it's supposed to say.

Mike Shoulders: I'll work with you, but you be sure it's placed, okay? Fair enough. It needs to follow the invitation to bid that's in the project specs. So, we furnish it, you may want to actually, you know, take it to the paper.

Madelyn Grayson: So, you'll, can you e-mail it to me?

Mike Shoulders: I can, and the paper anymore they want it electronically.

Madelyn Grayson: I will need to have it by tomorrow morning by noon to have it run on Saturday.

Mike Shoulders: You'll have it before noon, but, yes.

Madelyn Grayson: Okay, thank you.

President Nix: Thank you, Mike, appreciate the help.

Mike Shoulders: Okay, thank you.

<b>Fortified for Safer Living Proclamation</b>
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President Nix: The next action item is Roger Lehman. He is here to speak on behalf of the Fortified for Safer Living Proclamation. Mr. Lehman, good afternoon, sir.

Roger Lehman: Good afternoon. Roger Lehman, Building Commissioner, also representing the Disaster Resistant Community Corporation, who is working with the Institute for Business and Home Safety, IBHS, which is referred to in the document. We are working to obtain a grant from an insurance carrier to construct a fortified for safer living in Evansville-Vanderburgh County. This home would be a demonstration model used for educational purposes for both students, contractors, the public on extra things that can be done to make your home safer from wind, from earthquakes

and other hazards. It also will incorporate some green aspects of construction. We kind of put that in our own, because we feel like this is an opportunity to do something that kind of cuts across several layers of interest from potential homebuilders, both the ones who construct the homes, and the ones who are going to be purchasing them to live in. Part of our push to get this grant is to get the city and county to agree in concept with the IBHS philosophies on encouraging safer construction, encouraging protection of our citizens. Of course, those things are in the best interest of both the city and the county executive branches. So, with that, we would, I would ask that the Commissioners consider approving this resolution. It doesn't bind us financially to anything, it just does indicate that the county is interested in its citizens being safer, and that this project that IBHS is working on with us is a way of demonstrating that to the whole community.

President Nix: Roger, on behalf of the Commission and the other hat I wear also, I want to thank you for the time that you've put into this thing to make this work. I know you've worked hard and spent a lot of hours, and I think it's a very, very good thing that we do. So, Commissioner Tornatta, do you have the proclamation?

Commissioner Tornatta: I do. Proclamation Fortified for Safer Living:

"Whereas, the County of Vanderburgh wishes to grow and become a better place to live, work, raise a family, and conduct business, and; Whereas, helping the county's home and businesses better resist natural disasters, such as tornadoes and earthquakes is fundamental in achieving that goal, and; Whereas, Vanderburgh is a County with a commitment to this principle, and was recognized as such by the Nonprofit Institute of Business and Home Safety as its first showcase community, and; Whereas, Evansville and Vanderburgh County, in conjunction with Posey, Warrick, Gibson and Spencer Counties make up the Southwestern Indiana Disaster Resistant Community Corporation, the first FEMA Project Impact Community in the State of Indiana, and; Whereas, using its own resources and those available through partnerships with various public and private organizations, the County desires to build on these achievements and serve as a model for other local governments. Therefore, be it proclaimed that the County of Vanderburgh does hereby pledge to support programs and services to help protect homes and families against natural disasters and keep businesses open and preserve jobs following these events."

President Nix: Is that in the form of a motion?

Commissioner Tornatta: It is.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Roger Lehman: Thank you all very much.

President Nix: Appreciate your time.

Roger Lehman: Okay.

**Burdette Park-USI Bike Path Update**

President Nix: The next action item is Steve Craig from Burdette Park is here to discuss the USI bike path update. Good afternoon, Mr. Craig.

Steve Craig: Good afternoon, Commissioners. We're going to have the ribbon cutting for the Burdette Park-USI pedestrian bike and nature trail, and it will be on Friday, November 2<sup>nd</sup> at 10:00 at the Burdette Park trail head. It is located due north of the Discovery Lodge at the park at the entrance of the campground. The trail is getting it's finishing touches, and it's ready for the ribbon cutting. It's point six mile of beautiful, sculptured trail through an old growth logs and trees and timber at the park. It is very unique in the concept that we're building it through existing forest and not putting it around other structures. It will go to USI, and it's the first phase of the trail system that will connect Vanderburgh County with USI and the New Discovery Bicycle Trail that was recently installed last year. I want to invite everybody in the tri-state to attend and to see what a truly unique and beautiful trail that the Burdette Park-USI Southern Indiana pedestrian hiking and nature trail really is. I would like to invite everybody to come out Friday morning, November 2<sup>nd</sup> for the ribbon cutting at 10:00. It's really a unique trail, and I think everybody will appreciate it. One more thing I have is that I had presented to the Commissioners an application to the National Recreation Trail, and I would seek their signature on it so that we can apply for this. This would put us on the National Recreation Trail website. When we apply for other monies, and apply for information about trails, our trail will be on their website nationally. At this time I wish that the Commissioners could sign this, and then I could get it sent away so that we can start having this exposure.

President Nix: I believe we'll need that in the form of a motion.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. Mr. Craig, did you want to discuss the tree memorial?

Steve Craig: Yes, also, I guess, on November 1<sup>st</sup>, the day before the ribbon cutting for the trail, we have a tree memorial that we've started at the park, and it's going to help replace the trees that was removed from the woods when we did the trail, and over the years the trees we've lost at the park. This is a unique concept, people can put a tree out at Burdette, and it will be in their name. They will be able to purchase it. You can get on our website, it's got all the facts and figures. I don't know if I can get them all right, right now, but you can get on the website either attached to the Fox website, and it will put you to ours, or to the Burdette. It's an opportunity that you can plant a tree and your family can watch it grow, your kids can watch it grow. It also helps save Vanderburgh County money in the sense that these trees are not being purchased, but they're going to be planted at the park. If you've got any other questions, I can answer them.

President Nix: I'm just curious. You've had quite a few families and individuals put, bring trees to you to plant, or have you picked them up? Or however that process is done, are you going to send a mailing out to those families that have participated in this already? Or has that taken place already?

Steve Craig: Yeah, at the present time, we have all of them listed and the trees that they have purchased and we have planted in the park. We have a list and we're in the process of sending them an invitation at the present time to attend the tree memorial cutting. We will have a journal, first of all, that will have them all marked, and then we want to have them on the GPS system where they will be able to look it up and be able to find their tree in the park. They can look them up that way. I know kids will get into that, but, you know, they can also come out to the park and find it. Some people have just planted trees and don't want them marked or anything. You can get a plaque put at the bottom of your tree. We're going to, we have that set up with Tri-State Trophy that there's two types of plaques that we will accept, and you can go down and get a plaque if you would like something in that way to point out that the tree is a memorial for one of your relatives or friends or something.

President Nix: Okay. Thank you. Questions? Thanks, Steve.

Steve Craig: Thank you.

<b>Permission to Award APA-015-2008: Traffic Signs</b>
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President Nix: The next item is permission to award APA-015-2008. This is traffic signs. I believe Ms. Spalding is here today to speak to that. Good afternoon, or, yes, good afternoon again.

Debbie Spalding: Good afternoon. You have in front of you the bid tabulation. The traffic signs and road materials were sent out, advertised September 19<sup>th</sup> and the 26<sup>th</sup>, and the bids were opened on October the 4<sup>th</sup> at the Board of Public Works meeting. We're requesting that this contract be awarded to two vendors. All the four vendors that responded said that they would accept a portion of the bid. Most of the aluminum sign blanks would be with Vulcan Signs, and then the various road materials would be between Vulcan Signs and 3M Company. Not all vendors bid on all the items. So, it was necessary for us to allow two vendors. So, our recommendation would be awarding the traffic signs and road materials to Vulcan Signs and 3M Company.

Commissioner Tornatta: Upon the recommendation of the Purchasing Department, I would like to approve the traffic signs and road materials.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Debbie Spalding: Thank you.

President Nix: Thank you.

**Permission to Award VC07-10-01:  
St. Joseph Avenue Bridge #1924 Installation**

President Nix: The next action item is VC07-10-01. This is St. Joe Avenue bridge number 1924 installation. I believe Mr. Stoll is here today to address this. Good afternoon.

John Stoll: Good afternoon. I would request that you would award that contract to CCC of Evansville for the amount of \$77,535.27. They provided the low bid on the project.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Thanks.

**Second/Final Reading of Ordinance CO.10-07-013:  
Sex or Violent Crime Offender Registration Fee Ordinance**

President Nix: The next action item is the second and final reading of ordinance CO.10-07-013. This is the sex or violent offender fees, establishment of administrative funds. We heard the first reading on this last week. Is there any public comment on this ordinance? Seeing none. Questions from the Commission?

Commissioner Korb: None. Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. This will require a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. It passes.

**R.W. Armstrong Supplemental Agreement: Burkhardt-Virginia  
Health Department: 2008 AIDS Prevention Grant Agreement  
Health Department: 2008 STD Intervention Grant Agreement  
Weights & Measures: Lease Agreement Addendum #15  
Central Dispatch: AT&T Enhanced 911 Service Agreement  
Central Dispatch: AT&T Capital Services Lease Agreement  
Auditor: Data Mail Agreement: Homestead Rebate Checks  
Prosecutor: ICJI Byrne Justice Grant Proposal Application  
Superior Court: Byrne Grant Agreement**

President Nix: The next action item is contracts, agreements and leases. Mr. Ziemer, good afternoon.

Ted C. Ziemer, Jr.: Good afternoon. I think, John, I'll let you come up and make the presentation on the Armstrong contract.

John Stoll: We've got a supplemental agreement on the Burkhardt-Virginia intersection project. This is being designed by R.W. Armstrong. The supplemental agreement is for an amount of \$34,845. The supplemental agreement will cover the right-of-way engineering which will give us the legal descriptions for the parcels affected by the project. It also covers some design changes to deal with the right turn lane at Burkhardt and Columbia. It also deals with cost adjustments associated with the project being on hold for roughly two years while the Burkhardt-Lloyd interchange project was being evaluated. The County Attorney has reviewed it, and they've made the changes that were requested.

Ted C. Ziemer, Jr.: John, I think you have the signed agreements, do you? You've already given them to Madelyn? And the insurance certificate?

John Stoll: I received that too.

Ted C. Ziemer, Jr.: And Madelyn has that?

John Stoll: I've got that, but I can get her a copy.

Ted C. Ziemer, Jr.: Okay, good. Thank you.

President Nix: Questions from the Commission?

Commissioner Korb: John, is this just what happens when we wait two years to do a project like this?

John Stoll: Basically, yes.

Commissioner Korb: Okay.

John Stoll: This was put on hold on the county's end. It was through no fault of the designer that the project was delayed. The reason for the delay was INDOT was looking at the interchange at Burkhardt and Lloyd.

Commissioner Korb: Right.

John Stoll: Depending on how that project was done, if they closed off the access points on the north side of Lloyd it would have substantially increased the amount of traffic that would go through Burkhardt and Virginia. If that was done, then we would have had to have gone back and change the scope of work to deal with all that extra traffic. Since it's not being done, it's reverted back to, basically the original scope, but there was a substantial delay. Like I said, it wasn't because the consultant didn't perform, it was we put them on hold.

Commissioner Korb: Do you see the State coming back and saying, oh, sorry, we're going to go ahead and close this access anyway?

John Stoll: At this point I think the project's on hold indefinitely.

Commissioner Korb: Okay.

John Stoll: They're supposed to be looking at a corridor study of Lloyd from, I believe, 41 all the way out into Warrick County. Until that's done, I don't think they'll have a game plan on what they intend to do. The last I heard this interchange was taken out of their ten year plan.

Commissioner Korb: Okay.

John Stoll: So, nothing on the immediate horizon is going to change out there on the Lloyd.

Commissioner Korb: So, you're comfortable with moving forward then?

John Stoll: Yes.

Commissioner Korb: Okay. Great.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. The next item is the Health Department 2008 AIDS prevention grant agreement.

Ted C. Ziemer, Jr.: Yes, sir. This is a new grant agreement for \$119,760, which may vary, up or down, by ten percent, depending upon the necessity of those funds to meet the purposes of the grant. It would be administered by the Vanderburgh County Department of Health, and it will run for the period from January 1, '08 through December 31<sup>st</sup>, '08. It is satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

Ted C. Ziemer, Jr.: The next agreement is—



President Nix: Hang on a second. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is also a grant for the Health Department for sexually transmitted disease intervention. This is actually an amendment to an existing grant. It extends the amount of the grant by \$69,910, to a total of \$144,092, with a \$69,910 of that amount to be spent for the period of January 1, '08 to December 31<sup>st</sup>, '08. It is satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is a renewal of the lease, this is the 15<sup>th</sup> addendum to the lease of space for Weights and Measures in the Executive Inn. The addendum is identical to last year's. It will extend the period of the lease by one year to December 31, 2008. It increases rent from \$5,600 a year to \$5,700 per year, or \$466.67 a month to \$475 a month.

Commissioner Tornatta: On behalf of Loretta Townsend, a motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is for enhanced 911 service with American Telephone and Telegraph Company, between the County and AT&T for enhanced 911 service for the Central Dispatch Board. I've sent the Commissioners a two and a half page e-mail on this, but let me summarize by saying that one of my initial concerns about....the agreement is for \$2,289,175. One of my concerns initially was whether or not we would be required to seek requests for proposals for this particular hardware and software. On examining, well, on discussing this with Jo Anne Smith, the Director of the Central Dispatch Board, and Craig Bennett, who is an agent for AT&T, I learned that there are really only three entities that could make this service available to the Central Dispatch Board, and they would be AT&T, Verizon and Sprint/Embarq. Neither Verizon nor Sprint/Embarq have the number of lines in Vanderburgh County that AT&T has, so, plus their routers are located distant from Vanderburgh County, Indiana, so, it's thought that they would have difficulty providing this service in Vanderburgh County. In addition, we have an e-mail from Verizon recommending that we use AT&T, which I thought was something we probably ought to frame. So, I am satisfied that given the specifications for this

service, on the part of the Central Dispatch Board, that there really is only one provider for these services in Vanderburgh County, and that would be AT&T. So, I have no concern about there not being, about not seeking requests for proposals. There was a prior agreement for an eight year period starting in 1999, which had a price tag of \$1,475,000. This particular agreement is for ten years and would be \$2,289,000, but \$250,000 of that difference is due to the fact that the agreement runs for ten years instead of eight years. Then, there are other differences which I have e-mailed each of you about. There's an overall hardware/software enhancement in the new agreement that was not provided for in the old agreement. We now have about 130 access lines in Vanderburgh County as opposed to 125,000, 130,000 as opposed to 125,000 eight years ago. Then, of course, there's been, as we would expect, a general overall price increase over the eight years. So, it seems that the price is, that, you know, that it's within the applicable standards. We have several options for paying this price. It could be paid in cash, or it can be paid over four different option plans that AT&T provides. I understand that on the recommendation of the Central Dispatch Board, it going to recommend that we use option four, which would be for paying this amount over ten years by payments of approximately \$77,000 quarterly during that ten year period. There are sufficient funds accumulated in the 911 fund, which is collected from vendors of land lines and cell phones in this entire county. Those funds are adequate to support that payment. I will say that if at a later time it was determined that we wanted to pay the balance in cash, to do away with the interest that we're paying, we can do that. AT&T is fully flexible on when it's paid. It's just that until it's paid, we have to pay interest. The interest is at an attractive, really attractive 4.64 percent interest rate, which is based on the current Treasury note rate. The actual final interest rate will be based on the current Treasury note rate as of the date that installation is completed, but that's going to be just a short period of time, I think. Jo Anne Smith is here. Jo Anne would you like to address this?

President Nix: Ms. Smith, before you speak, if you would, there is also a termination clause in there too. If you could just touch on that please.

Ted C. Ziemer, Jr.: Oh, yes. Certainly. The agreement, as it was presented to us, had a provision in it allowing both AT&T and the County to terminate the agreement on giving 90 days notice to the other party. I was very concerned, then it goes on to say that if the County terminates they have to pay a termination fee. It said nothing about what AT&T would have to do. It seemed to me that if we were spending \$2,289,000 with AT&T over a ten year period, we didn't want them in maybe six months to decide that they want to terminate this agreement. So, I contacted a representative from AT&T and told them that I would not recommend to the Commissioners that they sign this agreement unless they took that language out, which they did. So, it's now satisfactory.

Commissioner Korb: Ted, that interest rate, it floats?

Ted C. Ziemer, Jr.: It will not float. It will be fixed at whatever the current Treasury note rate is on the date that installation is completed. That will be the interest rate throughout the ten year term.

Commissioner Korb: And it takes approximately how long to install?

Ted C. Ziemer, Jr.: I don't know.

Commissioner Korb: Jo Anne?

Jo Anne Smith: Completion will be done in the early spring, probably March will be when the completion is done.

Commissioner Korb: Okay.

Jo Anne Smith: They will get the, they will get the phone call from me today, if the contract is signed. They will then start ordering the equipment. The first part of the equipment that will be ordered will be the recording side of it, because we are in a critical state in our recording system right now, and they're going to start with that. Then, they will start replacing the phone system.

Commissioner Korb: Can you give me, since I'm the one catching up, just a brief overview of what this enhancement will do for your operation?

Jo Anne Smith: First and foremost, it will give us a digital system, which we do not have right now.

Commissioner Korb: Okay.

Jo Anne Smith: If we get a request from a citizen or from an agency for information and they want a recording, we have to give them a cassette tape. We will be able to do that digitally, we will be able to e-mail information that will be accessed through our network to public safety agencies for our system. Our dispatchers have, at their consoles, instant playback, but they have to push a button on that sometimes work and sometimes don't, because of their age, and there will be a point and click, it will be right off of their computer. The technology is much improved.

Commissioner Korb: You've had this equipment currently for how long?

Jo Anne Smith: It was put in, in 1999.

Commissioner Korb: Got it. Okay. Thanks.

President Nix: But, this is not only equipment, but the service itself. I mean, it's everything.

Commissioner Korb: It's hardware and software.

Jo Anne Smith: It is the hardware, software and any upgrades that occur with the duration of this contract. We have a monitor that breaks down, AT&T replaces that monitor. If something happens to our recording system, they come and fix it. We have a four hour max response time on our telephone system from anything that, any problems that we have with our phone system. They have a monitoring system that monitors our system all the time, all eleven of our 911 trunks are monitored by AT&T. There are occasions when they call us and say there's a problem with one of your trunks. They will address everything, hardware and software is provided.

Commissioner Korb: Okay.

Jo Anne Smith: In total.

Commissioner Tornatta: And there's also call support, a pretty extensive call support, 24 hours seven days a week.

Jo Anne Smith: Yes, 24/7, 365 days. We also called on them in some construction projects that we've done, where we've had to have them completely move our phone system to a trailer for us to occupy, it was called, it was renovation done. They also handle, if there is a problem with our equipment, we would have a disaster where our, we would have a failure, our calls roll over to Warrick County. We are also looking at a project now where we would like to be able to, they have what is called a command center, which would be, basically, 911 in a box. We're looking at that in conjunction with this new system. I'm waiting for figures on that now.

Commissioner Korb: Okay.

President Nix: Any other questions? Ms. Smith, thank you.

Jo Anne Smith: Thank you.

Commissioner Korb: Upon recommendation of counsel, I move that we accept this proposal.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: Madelyn, I just want to inquire, you do have two agreements there to be signed? One is the one that selects the options, and the other one is the other agreement? Thank you. The next agreement I have is an agreement between the County and Data Mail, on behalf of the County Auditor and the County Treasurer, or, I guess, on behalf of the County Auditor. This is with regard to postage or their mail handling and postage, folding and so forth in connection with the, what is it in connection with? What is it, Bill? Help me.

President Nix: Homestead rebate checks.

Ted C. Ziemer, Jr.: Homestead rebate checks, thank you. The cost of the agreement is \$24,346, of which \$17,531 has to be paid as a postage deposit, and the agreement will last during the duration of the mailing, at which time it will be concluded. We find it satisfactory for execution from a legal perspective.

President Nix: If we could hold for a change of tape, please.

**(Tape change)**

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: Then, I have a grant proposal form. I understand that this is not a grant yet, it is just a grant proposal, but it's on behalf of the Vanderburgh County Prosecutor. It would be a continuation grant for the purpose of identification, investigation, arrest, prosecution of drug trafficking organizations and to halt the importation of methamphetamine, cocaine or other marijuana in Vanderburgh and Warrick Counties. The agreement, I mean, the period of the agreement would be one year from January 1, '08 to December 31<sup>st</sup>, '08, and it would be for \$238,682, of which \$119,341 will be federal money, and \$119,341 will be county matching funds. I've checked with the Prosecutor's office and there is an appropriation of the funds available for the county match.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: These aren't on the agenda, but, I have a couple more items, if I may. You've received e-mail from me about these. This is a Byrne grant proposal for the Vanderburgh County Day Reporting Drug Court. It's a continuation of a prior grant. The grant amount is \$104,211, with \$52,106 of that being from federal funds, and \$52,106 of that being from county matching funds. I checked with and the Superior Court indicates that those funds for the matching grant are also available. We've had this kind of grant for the last six years. This is the first time it's been in as large an amount. As it is, it's satisfactory for execution from a legal perspective.

Commissioner Tornatta: Just real quick on that. Anybody that's seen the County Day Reporting Drug Court, or been associated with it, the program is really expanding by leaps and bounds. They've even had a report that's come back, and it's done by an out-of-state firm and really exemplifies how well Vanderburgh County has taken this program and run with it. It looks like we're going to be setting the bar for those programs throughout the state. I've seen as much as \$6,600 per individual savings on a, and there's some different numbers, but, we're seeing those type of savings ongoing from having somebody incarcerated, and they come out and they're fully functioning citizens. So, it's an 18 month program that lasts a lifetime for a lot of these people. Thanks to Judge Trockman for bringing it up, Debbie Mowbray for working it out. Debbie was recognized from the Governor as being an Outstanding Hoosier. So, this program is doing a great job and we just need more of these programs ongoing. So, motion to approve.

Commissioner Korb: So moved.

President Nix: Second. Or, excuse me, all in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Ted C. Ziemer, Jr.: Finally, I have an agreement, which I sent you copies of individually for Willow Creek Subdivision. Let me just say by way of background,

when developers developing a subdivision there are certain street, road, drainage requirements for the subdivision. The developer is required to file a letter of credit indicating that, or which will really ensure the county that the developer will complete the road and drainage requirements, as pursuant to the specifications. In this particular case, Willow Creek Development Corporation did not complete the required work in Willow Creek Subdivision. That started about, I think, ten years ago, or thereabouts. Since that period of time, the work hasn't been completed, it's a difficult thing how to approach these letter of credit deficiencies because if the county is going to undertake to do it itself it would have to bid out the work, and really would be doing the work of a private developer, and probably the cost at that time would exceed the amount of the letter of credit, and the county would end up being responsible for payment of the cost of that, when it really should be at the cost of the deficient developer. So, we've struggled with this, but you'll recall that in the case of MJM Subdivision, an individual stepped forward who, on behalf of the developers was willing to complete the drainage work that was required in that subdivision, and that work has been completed, and the funds have been released, and the contractors have been paid, and that was a very happy result. Here, an individual has agreed to, Earl Harp is his name, has agreed to be the agent for Willow Creek Development Corporation. I will say some prior work has already been done in this subdivision by Jerry David and Weber Excavating Company. That was done in the first couple of months of this year. They would like to have been paid out of the letter of credit, but it's the policy of the county not to pay anything out of the letter of credit until the drainage and road improvements required to be done are completed. So, they've been sitting around unpaid for that period of time. Anyway, Earl Harp is going to stand in for, not stand in, be the agent for Willow Creek Development Corporation to select a contractor who will do the road construction work that is yet to be done in Willow Creek Subdivision. The agreement defines the nature of that work, and that definition was established by John Stoll. If the work is completed, pursuant to those specifications in the agreement, then the county will agree to release the letters of credit and the funds represented by the letters of credit will then be used to pay the contractor who completes the work, plus these other two contractors from work that they did in January and February. The county's only obligation, under this agreement, will be to release the letter of credit after the work has been completed to the standards set by the agreement and approved by John Stoll. I will point out to the Commissioners that due to the lateness in the season for construction, we've added a special provision to this agreement requiring the contractor to meet all INDOT specifications for the weather conditions and so forth regarding the laying of pavement and the like so that it won't be rushed and laid perhaps when it's too cold to do it or too wet to do it, and, therefore, not have the best kind of job that we can have. The, I think it's a good arrangement for the county, and it's a good arrangement for the citizens of Vanderburgh County because the work will get completed, it will be paid out of the letter of credit. It won't cost the county any additional funds, and I think it's a win-win situation for everybody. It's certainly, since I've prepared it, satisfactory for execution from a legal perspective.

Commissioner Tornatta: So moved.

Commissioner Korb: I'm moved.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Thank you, Mr. Ziemer.

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

President Nix: Appreciate your help on all of those. I know there's quite a few lengthy ones there. Let's see here. Are there any other department head reports? I believe Mr. Stoll is stepping forward here.

<b>County Engineer</b>
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John Stoll: First, I've got a street acceptance request for MJM Industrial Park. Like Ted had said, the work was done, the street is ready to be accepted. I had inspectors out there and they said everything looked great. As far as the drainage work goes, the only thing they're waiting on there is for grass to grow, but the street is ready for acceptance. So, I would request that you accept that for maintenance.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Commissioner Korb: Good job, John. Thank you.

John Stoll: Next, I've got a letter for the Commissioners signatures to send to INDOT to request the use of concrete pavement on the remainder of University Parkway. According to Bernardin Lochmueller, the preliminary recommendation, or, I shouldn't say recommendation, requirement from INDOT was that the remainder of the University Parkway project would have asphalt pavement, and, for consistency sake, I thought that we should continue with concrete pavement. As a result of that, Bernardin Lochmueller has drafted a letter requesting INDOT take another look at that. In the letter they point out that they have addressed potential settlement issues, and that there wouldn't be a concern with using the concrete pavement on the fills that might settle. We've seen no problems with the concrete pavement that's been placed on the first two miles. So, I would request the Commissioners sign that so we can send it on to INDOT.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I've got some revised right-of-way offers for the University Parkway project. It's for parcel six and parcel ten. They're both owned by Ralph Mueller. The revised offer for parcel six is \$178,800. That is an increase from \$157,400 from the original appraisal done in December of 2006. Then, on parcel ten, the new offer is

\$60,500. This is an increase from \$57,300, and that appraisal was dated October of '06. What prompted it was that the, in the negotiations the property owners has pointed out the fact that they felt the appraisals needed updated because they were based on old prices. So, I would request your approval to make these modified offers.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I've got a modified right-of-way offer on the Green River Road project. This is parcel one owned by Schnepfer. The offer amount would be \$28,000. This is being done just to split the road right-of-way separate from wetland mitigation right-of-way. So, we can treat the two separately. So, that way, if we can get one of them resolved, then it wouldn't all have to be condemned. So, we're hoping none of it would have to be condemned, but, if it does, then we can treat the two issues separately. So, I would request your approval for this modified offer.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: The last item I have is a letter to send to Sherman Dixie Pipe. This is to order all the box culverts that are needed for the Cross Pointe Boulevard project. There are three sizes of pipe that will be ordered, and at the annual bid price, the grand total is \$1,207,854. The reason I'm bringing that to you now is so that way we can get the pipe in production so that way next spring when the contract's awarded on the project, then the pipe would be ready to go for the contractor. We would just, in the contract, instead of having the contractor provide and install the pipe, we would just get an install only price.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: That's all I have.



President Nix: Thank you, Mr. Stoll. Are there any other department heads? Seeing none.

### **Board Appointments**

President Nix: I've got board appointments here, the Pigeon Creek Greenway.

Commissioner Tornatta: Board appointments would be; Steve Craig, Ann Ennis, Fred Padget, Blaine Oliver and Lester Steinmetz. I would like to make that in the form of a motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

### **New Business**

President Nix: Is there any new business to come before the board?

Commissioner Korb: No, sir.

President Nix: Seeing none.

### **Old Business**

President Nix: Is there any old business? I do have a couple of items on there. The Hamilton Golf Course public hearing dates are October the 24<sup>th</sup> at 6:00 in the evening at the Centre in the Locust Room. That's the 24<sup>th</sup> of October, which is tomorrow evening, at 6:00 in the Centre at the Locust Room. Then, this Saturday at 10:00 a.m. at Oaklyn Branch Library out on Oak Hill Road. I never can get that right. That's from 10:00 until approximately 11:30. I would like to see anybody that's got any interest in the Hamilton Golf Course to please attend these meetings. One of the two, or both of them you're welcome to. Any other old business? Seeing none.

### **Public Comment**

President Nix: Is there any public comment at this time? Anyone that would like to address the board? Please step forward.

Greg DeVoy: Hello, Commissioners.

President Nix: Good afternoon.

Greg DeVoy: My name is Greg DeVoy. I live on Little Schmuck Road off of Koring. We've got a situation there that is getting more dangerous as we go, as we move along in time. I've got a couple more residents back there. It's the corner on Little Schmuck Road. It's a single lane, gravel road that is maintained by the county.

We've had a handful of fender benders that haven't amounted to anything, but we have had one that caused some personal damage to a vehicle. What it is, the residents there, we know to go slow around that corner. If either vehicle is exceeding about ten mile an hour, there's no place to go, you can't stop, you can't move to the right or left of the road, due to ditches, and steep embankments. I understand, the county came out there to, one of the problems is we can't see around the corner due to trees on the inside of the corner. That being the case, again, the residents know to move slow around that corner, but when we get a disposal truck, or a delivery truck, or a non-resident that comes around that corner a little too fast, the person in the smaller vehicle is definitely going to be the loser there, because it's a no fault accident. So, the county came out to do some work, and I understand there was a right-of-way issue, as far as doing the work on cleaning the trees off that inside corner. So, I was here to ask, and see if there's something we can do there to make it safer for us to get around that corner.

President Nix: Mr. DeVoy, you and I spoke on the phone the other day.

Greg DeVoy: Yes, sir.

President Nix: And, it's my understanding that apparently the county right-of-way is pretty narrow back there. So, the obstacles that are in the way, or the things that are obstructing the view are on private property, is that correct?

Greg DeVoy: Yes.

President Nix: Is that the understanding?

Greg DeVoy: Yes.

President Nix: Okay. Have you spoken to the neighbors about maybe working with the county on some type of, I don't know if an easement would be in place, or something that we could actually help improve the line of site a little bit on that turn, on that curve there? I didn't know if that was something that would be possible, work with the—

Greg DeVoy: I have.

President Nix: You have? Okay.

Ted C. Ziemer, Jr.: I'm not sure what you're asking me about, an easement?

President Nix: Well, it's my understanding, and, John, I don't know if you're familiar with that curve right there? If you could step up. Apparently, the county road is as wide as it normally would be back there, is that correct?

John Stoll: Right, the road has a 12 foot right-of-way, and there's a six foot maintenance easement on either side of that road. This was all established in a lawsuit that was settled back in 2004. As far as where the site distance obstructions are relative to that six foot easement, I'm not sure, because I haven't been out there recently. But, if they're outside that six foot easement, then either a temporary or permanent right-of-way would have to be granted in order to get the county crews out there on that property to clear it out to improve the line of site.

Ted C. Ziemer, Jr.: You're suggesting that the neighbors grant a temporary easement to the county to do that work?

President Nix: Not necessarily, well, I don't know if the county, I don't know if that would even be something we could do. That's my question. It's private property, but it's blocking the view of a county road.

Ted C. Ziemer, Jr.: Oh, I see.

President Nix: The curve of a county road.

Ted C. Ziemer, Jr.: No, I'm sorry, I had the impression that this was in, we were going to be working in the public roadway, but that we would need an easement to get to it. No, I don't think we can do any work on private property at all.

Greg DeVoy: Okay. Well, I don't know where to go from there. Just start asking questions. It's really not, I mean, it's not even, at times it's not safe to walk around it.

Commissioner Tornatta: Is there any opportunity to get with some of the neighbors and maybe throw some money in a hat to get somebody to come out there and actually do the work?

Greg DeVoy: I'll have to talk to the property owners again. There's one property owner there that, this is his property. So, I'll have to talk to him about it.

Commissioner Tornatta: We've kind of been in a situation several times where we've had issues that were off of the county property on private property and those terms, we have to let the private property owners take care of those issues at hand.

Greg DeVoy: I understand. What about guardrails?

John Stoll: I guess, my biggest concern on putting any guardrails up would be if it's a one lane road then what little shoulder might be there, you would have no opportunity to pull off the road to allow another car to pass, if there's a guardrail up there. We can take a look at it and see if there is specific locations where it might work, but my gut reaction would be that would be one problem you could introduce.

President Nix: You know, we had a situation similar to this on Hillside some time back, somewhat the same, but maybe a little different.

John Stoll: Right, it was a one lane road. In the end, when that was paved, there were no guardrails that were installed. Part of the problem there too was no right-of-way to install the guardrail. Basically, the guardrail would have been on private property, because there was no documented right-of-way whatsoever to place the guardrail on.

President Nix: The property owners out there though did, in fact, grant additional right-of-way for some of the work that we did, was that correct?

John Stoll: One owner did, yes.

President Nix: Okay.

John Stoll: That was part of the overall road reconstruction rather than just a spot improvement where we did some clearing or anything, I mean, there was some clearing, but it was in conjunction with the road widening.

President Nix: That was kind of a neighborhood effort, I think. Everybody kind of got together and said—

John Stoll: Right.

President Nix: —and said, this is what we want to do. The property owners got with us then, and, I don't know if maybe that's something that the person that owns that property might entertain.

Greg DeVoy: I'll start asking some questions.

President Nix: Okay.

Greg DeVoy: See where we can go from there.

President Nix: Okay.

Greg DeVoy: Thank you for your time.

President Nix: Thank you, Mr. DeVoy. Is there any other public comment? Seeing none.

<b>Consent Items</b>
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President Nix: I'll entertain a motion to approve the consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: We will start, I will entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:34 p.m.)

**CONSENT ITEMS:**

<b>Employment Changes:</b>	Sheriff Office (1)	VCCC (2)
<b>Travel Requests:</b>		
Knight Assessor (1)	Commissioners (2)	Health Dept. (1)

**Commissioners:**

Evansville ARC: September 2007 Monthly Report.  
Letter from John Habermel: Re: Intersection of Old State Rd & Ridgeview Dr.  
Computer Services Request for County Credit Card.  
Notice of Intent to Extend Lease for Community Dental Clinic.  
Use of Centre/Waiver of Fees: Girls in Bloom: Feb 2008 & EPD: Dec. 5 & 7, 2007  
Department Head Meeting Notes: October 16, 2007

**Purchasing:** September 2007 Monthly Report.

**Weights & Measures:** September 2007 Monthly Report.

**County Engineer:** Pay Request No. 38: Burkhardt-Green River TIF Projects.

**Surplus Requests:**

Scott Assessor: Minolta Copy Machine.  
Circuit Court: Two Legal Filing Cabinets.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Debbie Spalding	Mike Shoulders
Tom Groves	Roger Lehman	Steve Craig
John Stoll	Jo Anne Smith	Greg DeVoy
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
NOVEMBER 13, 2007**

The Vanderburgh County Board of Commissioners met in session this 13<sup>th</sup> day of November, 2007 at 3:31 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

<b>Call to Order</b>
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President Nix: Good afternoon. I would like to call to order the Vanderburgh County Commissioners November 13, 2007 meeting. It's 3:31. I will ask to start with introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Korb: Jeff Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: If you would please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Commissioner Korb: These are our shadows. Come on up.

President Nix: I would like to also welcome a couple of shadows today from local high schools. Please, we need an extra chair over there.

Commissioner Korb: Are you, Taylor?

Taylor Speciale: Yes.

Commissioner Korb: You're stuck with me.

President Nix: And you are?

Katie Clevidence: Katie.

President Nix: Katie, okay. Have a seat here. With us today are a couple of shadows. Would you introduce yourselves?

Katie Clevidence: I'm Katie Clevidence from Harrison High School.

President Nix: And you are.

Taylor Speciale: I'm Taylor Speciale from Harrison High School.

President Nix: Thank you. Go Warriors!! You did say Harrison also?

Taylor Speciale: Yeah.

President Nix: Okay, good. Thank you. There you go.

**Open Bids for the Wedgewood Room Renovation**

President Nix: The first action item is to open bids for the Wedgewood Room renovation. Mr. Ziemer?

Commissioner Tornatta: So moved.

President Nix: Do you want to second that?

Commissioner Korb: Yeah, I'll second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

**Phil Wolter: Discussion of Fundraiser at Old Courthouse**

President Nix: The first action item is Mr. Phil Wolter to discuss briefly a fundraiser at the Old Courthouse. Mr. Wolter?

Commissioner Tornatta: Phil, you need to press that little purple button, I believe.

Phil Wolter: Thank you, Commissioners, and good afternoon, ladies and gentlemen. Yes, I am here to discuss another Courthouse item here. I just want to give a little bit and a very brief wrap up on this years Halloween attraction, which, of course, is the Old Courthouse Catacombs haunted house, and the children's non-scare fundraiser. As we conclude our 18<sup>th</sup> year as a tenant of the Courthouse, we continue to solidify our reputation as the tri-state's best, scariest and most fun Halloween event. In fact, last month the Courier and Press ran a feature story, as well as the last two years, they've done an editorial describing the Old Courthouse Catacombs Halloween event as a fun filled, well organized fall tradition, and that Halloween in the tri-state just wouldn't be the same without it. We're also a sponsor of the children's trick or treat festival on the walkway. This years children's non-scare show raised an additional \$722 for the Courthouse Foundation Board. Hopefully, the additional funds will help with the renovation of the Courthouse. We highly commend the Commissioners for their continued effort to restore and preserve this magnificent structure. Our entire staff looks forward to returning next year to help make the children's fundraiser an even greater success, and we respectfully request a three year extension of the lease. Thank you very much for your support and consideration.

President Nix: We appreciate everything you've done for, I guess, the Old Courthouse, and it kind of keeps some activity going on down there.

Phil Wolter: Well, there's some.



President Nix: As far as the lease, we don't have a lease, Mr. Ziemer, we have nothing in front of us as far as a lease? Basically, you're just asking us to consider a three year lease—

Phil Wolter: Yes.

President Nix: —when the lease is up? The lease is up in?

Phil Wolter: I believe December 31<sup>st</sup>.

President Nix: The 31<sup>st</sup>. Okay, and we will take a look at that.

Phil Wolter: Okay.

President Nix: Okay.

Commissioner Tornatta: I commend you on at least bringing something back. We know what the contract of the lease is, but then you do offer that check back to Vanderburgh County. So, we do appreciate that for the non-scare children's event.

Phil Wolter: We increased that attendance quite a bit this year, and with increased, next year we're going to put a little more promotion with that, and we think we can really drive that up even a little bit further for you all.

Commissioner Tornatta: And, how much have you raised from that event since you've put it on?

Phil Wolter: Well, the first year it went, it was just \$500, then it went up \$722 this year. We think we can keep bringing that, with a little better promotion, to a higher number. No telling what, because there's about 20,000 kids and parents that come down. Now, all the people that do come through, they don't all go through that Catacombs for the non-scare show, but what we do is kind of give a history of the building and tell them a little bit about the preservation and restoration as well. So, there's a lot of parents and kids come through.

Commissioner Tornatta: Thank you, Phil.

Phil Wolter: You're welcome.

<b>Permission to Award APA-042-2008: Calcium Chloride</b>
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President Nix: The next action item is the permission to award the quote for calcium chloride to Busler Enterprises. Ms. Debbie Spalding is here to discuss this. Good afternoon, or, yeah, good afternoon.

Debbie Spalding: Good afternoon. How are you?

President Nix: Fine.

Debbie Spalding: I'm here today to ask permission to award the calcium chloride for the 2007-2008 year. Last year we didn't have a whole lot of snow, so, there wasn't a whole lot of need to buy calcium chloride. I do understand that Mike Duckworth at the County Highway has some beet juice still available. But, should he decide,

I think they maybe were going to do some testing to see the effectiveness of that versus the calcium chloride. So, should he run out of beet juice and decide that this is a better bargain at \$1.24 a gallon, we would like to ask for your permission to award to the low bidder. There were five companies that we solicited quotes from. This is actually a reduction in the amount that they charged last year. You don't get to say that very often.

President Nix: Yeah, really.

Commissioner Korb: They have a steady, already, stream of product for us whenever, we just buy it on an as needed basis, is that right? Or do we stock it?

Debbie Spalding: Yes, they have a minimum, I believe, it's 4,000 gallons that you have to buy at one time. Then it's stored on an as needed basis.

Commissioner Korb: Okay.

President Nix: Any other questions from the Commissioners? If not, I will entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Debbie Spalding: Thank you.

President Nix: Thank you.

Commissioner Korb: You're welcome.

<p><b>First Reading of Ordinance CO.11-07-014: Criminal Justice Planning Committee Ordinance</b></p>
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President Nix: The next action item is the first reading of CO.11-07-014. It's the Criminal Justice Planning Committee ordinance. I don't know, Sheriff, if you had anything you wanted to say about this ordinance? This is the first reading.

Eric Williams: Sheriff Eric Williams. Number one, thank you for considering this. I'm sure you're all aware that the Criminal Justice Planning Committee has been meeting for several years. It was reimplemented at the beginning of this year to discuss ongoing criminal justice issues. Through its duration we've talked about the formalization of it to try to maybe get more interest in attending the meetings, to give it some scope, authority and an audience with the various boards in the community to make presentations and recommendations. What I've presented to Ted for his review and we've come up with is what I think is a good draft to formalize an organization that's, or at least a committee or a group that would meet monthly that

could have a huge impact in county government and city government. I would answer specific questions, but I don't think it's any new news to anybody here.

President Nix: Right, okay.

Eric Williams: Other than maybe Commissioner Korb.

President Nix: Questions?

Commissioner Tornatta: No, I mean, it's a good move. I think it's a great, I don't want to say first step, because we've been at this point before, but, I mean, it's an ongoing effort to keep the system in check. We've found, since 2000 when we've met and when we've had those players involved it's been an asset for the county. So, thanks for taking that lead on that.

Eric Williams: I think having the group meeting on a regular basis, if nothing else, it forces everybody that are stakeholders in the system to communicate on a regular basis, and to keep each other informed of what's going on. I mean, hopefully, we find that we are operating very efficiently and we're doing the best we can. Quite often times though we find ways to do what we're doing better, or how to work together with other people within the system to make ourselves more efficient.

President Nix: Okay, thank you.

Commissioner Tornatta: I have a motion to approve the first reading of CO.11-07-014.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. This will require a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. Thank you.

<b>Resolution CO.R-11-07-014: Opposing the Expansion of Alcohol Outlets</b>
---

President Nix: The next action item is resolution CO.R-11-07-014. This is basically opposing expansion of alcohol outlets. Mr. Ziemer, if you had time right now to address this?

Ted C. Ziemer, Jr.: Yes, I was contacted by Councilman Tornatta indicating that in, well, let's see when this happened, March 15, 2004, the Commissioners adopted a resolution against expansion of alcohol outlets and specifically with regard to having

alcohol outlets in convenience stores. He was interested in having that resolution reaffirmed, and in addition to that, the original resolution, one of the signers was Suzanne Crouch, who was then a Commissioner. Suzanne Crouch is now a member of the General Assembly, and it was his thought that we should include in the resolution that the resolution would be presented to her for presentation by her to the General Assembly. So, I've prepared this resolution to accomplish those desires, Mr. Tornatta, and that is the resolution that you have before you.

Commissioner Tornatta: I would just make mention that, and thanks, Mr. Ziemer, for handling that. We want to reaffirm about the gas station outlets. We want to make sure that, you know, alcohol should be purchased responsibly, and we want to make sure that that's done at all costs. One of the ways that I think you lose sight of that is to provide so many outlets, and so many convenient outlets that it does make it a little bit tougher to police. By doing this we are making a statement that this Board of Commissioners, if all vote for this, will keep those primary vendors, which are grocery stores and liquor stores, if you will, in the hands of those people who work day in and day out on the liquor sales, and not that of those who do not do that and starting out new avenues. Then, as we mentioned, Representative Crouch was the first one to come up with this type of resolution and we would like to send this to Indianapolis to make sure that we can have that on a state-wide basis, or at least have the information out there for the state to vote on.

President Nix: I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Will we need a roll call vote for this, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes.

President Nix: Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. Thank you.

<b>Liberman Technologies Agreement for the County Treasurer</b>
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President Nix: We're going to go out of turn here just a little bit. Z. Tuley, the Treasurer is here today, and I think she's got some important business that needs to be tended to. So, Z., if you want to step forward. We do have a, I guess, you're on the contracts for Lieberman Associates Technologies.

Commissioner Tornatta: I paid my taxes.

President Nix: I paid mine already too.

Z. Tuley: It's official now.

President Nix: That's where you were earlier then.

Commissioner Tornatta: Not a minute too soon.

President Nix: What is the date today? No.

Z. Tuley: Today is the deadline day. So, if there are people watching out there, you've got just a little bit to get to the bank. You can try to come down to the Civic Center, but when I left my office it looked like the parking lot had to be full, because the office was. So, I appreciate you moving me up, so that I can get back there, because my office is probably mumbling that I had stepped out.

President Nix: That might have been who was in my parking spot today. Go ahead, Z.

Z. Tuley: I thank you. I'm asking you to sign a contract with the Lieberman Group. With so many appeals that are still pending, and resolution hasn't been coming quickly because of the volume, the delay in the deadline and so on and so forth, we are asking that they work on a project to allow us to post while we are in "piggyback". This process is what happens the day after tax deadline. It throws on the penalties, it sets everything in place for the monies collected up to that point. All late payments are set aside for the next settlement. It divides the settlement out for us. In the past, because of this division, once you're in that mode, you could not post corrections, because the machine really didn't know where to put them if you did those. So, it would try to put them on the last settlement, and it would throw on false penalties and so forth. So, with Lieberman coming in, they can accomplish this task, it will go and fall in the right settlement that it's supposed to. We won't have false penalties applied, and we don't have to hold up about 4,000, the last time I checked, 4,000 appeals. People will know what they're going to need to pay, with the exception of the new billing cycle. But, with the way it is now, we would have to take, if we got all 4,000 of them done, and hold those up until April, when we go to roll. Then you have to wait and have everybody locked out of the system while that posting is going on. And, that's not going to be, it's not timely, it's not desirable, and it's not going to work out very well for anybody. So, I really need this work to be done.

President Nix: Questions?

Ted C. Ziemer, Jr.: I just have one question. The total estimated price of the contract now is \$20,160. That amount is appropriated? An earlier amount was \$13,400, and I was told that was appropriated. I just want to be sure that the \$20,160 has been appropriated.

Z. Tuley: Yes, we have that and more.

Ted C. Ziemer, Jr.: Thank you.

Z. Tuley: If need be, but we've got a not to exceed. So, we should be in good shape.

President Nix: Any other questions from the Commission? I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Z. Tuley: Thank you. I'll get back.

<b>Reading of Bids for Wedgewood Room Renovations</b>
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President Nix: Mr. Ziemer, if you are ready, we can do the bids at this time.

Ted C. Ziemer, Jr.: Thank you. We only have two bids. The first bid is from ARC Construction Company. Their base bid is \$372,890. They make no bid on alternate number one, at least that I could see. Lichtenberger Construction Company has a base bid of \$347,920. Their bid for alternate number one is \$3,656.

Commissioner Korb: What does the alternate bid number one include, Ted?

Ted C. Ziemer, Jr.: I have no idea.

President Nix: It would be hard to read through. I mean, I'm sure, if Mr. Shoulders is here, I don't know if you want to address the alternate.

Mike Shoulders: Commissioners, I'm Mike Shoulders, Project Architect. That alternate is for a decorative cover over the return air grill in the probate courtroom across from Wedgewood, so that it's done at the same time as the one that is going to be done in the Wedgewood Room, so that they will match. Now, it can be done later, and matched later, but that's about the only work we have across the corridor in that room.

President Nix: And that's outside the limits of the construction?

Mike Shoulders: Pretty much, yeah.

Commissioner Tornatta: Is this the case we have to vote it today? Or do we—

President Nix: We can take them under advisement.

Mike Shoulders: Yeah, we would like, we would ask that you and our office take these under advisement, along with the attorney make sure that all the forms are there, and that they are good bids and then we'll come back with a recommendation to you.

Commissioner Tornatta: Motion to take it under advisement.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Mike Shoulders: Thank you.

President Nix: Thank you, Mr. Shoulders.

Commissioner Tornatta: Thank you.

President Nix: We apologize for the delay in that, a couple of weeks behind, but it looks like we've got that worked out now.

<b>County Highway Storage Building Project Change Orders</b>
--

President Nix: The next action item is County Highway Garage storage building, Mr. Duckworth.

Mike Duckworth: Good afternoon, President Nix, Commissioners, ladies and gentlemen. Mike Duckworth, Superintendent of the County Highway Department. I come before you this afternoon requesting change orders two, three and four, I believe are the numbers, of the public, I'm sorry, of the storage facility at the County Highway Department. These, the dollars were allocated by, or transferred by the County Council some 30 days or so ago. I was under the impression that we could pay it out of those accounts, but I found out through speaking with Mr. Ziemer that that has to be a part of the actual contract, and that's the reason for requesting them as change orders at this time.

President Nix: And this will complete the project?

Mike Duckworth: Yes.

Commissioner Korb: This is really stuff we've talked about before though, right?

Mike Duckworth: Yes, yes.

Commissioner Korb: Just didn't have it under the right—

Mike Duckworth: This is no new appropriation—

Commissioner Korb: Yeah.

Mike Duckworth: —no money, it's just that we had to make it a part of the contract—

Commissioner Korb: Right.

Mike Duckworth: —because of the legal aspect of it.

Ted C. Ziemer, Jr.: And, just to be sure, because we have discussed this, we have three change orders?

Mike Duckworth: Yes.

Ted C. Ziemer, Jr.: Which are issued by the main contractor, who is—

Mike Duckworth: ECI Construction.

Ted C. Ziemer, Jr.: –ECI Construction, and they’ve indicated in those change orders that these are unforeseen circumstances giving rise to these additional costs, and if any other work is, I mean, if any subcontractor is needed to do any of this work it will be a subcontractor of ECI and not of Vanderburgh County.

Mike Duckworth: That’s exactly right.

Ted C. Ziemer, Jr.: Thank you.

Commissioner Korb: Because you were concerned about the bidding process, is that correct?

Ted C. Ziemer, Jr.: Yeah.

Commissioner Korb: Right.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

### **County Highway**

Mike Duckworth: Just one last thing. Just to let you know, and the folks at home, that we are prepared for snow removal or any inclement weather. As Debbie said, we have the beet juice ready, and, as well as our brine and salt, and we are equipped with equipment that checks the temperature of the pavement as well as the air temperature. We constantly watch weather systems coming through, so, hopefully, we won’t have to deal with that until March or April.

President Nix: Thank you.

Mike Duckworth: Thank you.

President Nix: Wishful thinking.

### **Legal Aid Society Request to Modify Office Space**

President Nix: The next action item is Legal Aid Society request to modify office space. I believe Mr. Dave Rector is here from the Building Authority. Good afternoon, Mr. Rector.



Dave Rector: Good afternoon, gentlemen. Dave Rector, Building Authority, here to address any questions you may have. I sent this letter to then Commissioner Musgrave and Mayor Weinzapfel back in July. It's based off Sue Ann Hartig's request to take over what we call "the old media room", and move her lobby on out a little bit further. I'm estimating the cost of construction of about \$2,000, which I believe they've indicated they would pick up that amount for the renovation. But, the more important thing is that would mean ongoing increased costs in rent to you all. It's a 50-50 split between city and county. We bill the county and then, I think, in turn you bill the city back, but that would increase the rent of \$1,617 a year, or about 800 and some dollars a piece to the city and county. I was just wanting to know if you want to pursue this project, or if you've got any questions on it?

Commissioner Korb: This is the space downstairs, isn't it?

Dave Rector: It's the space downstairs right across—

Commissioner Korb: The first floor?

Dave Rector: —right around the corner from the snack shop. It used to be used for a media room years ago.

Commissioner Korb: Right.

Dave Rector: Reporters would go down afterwards, type up their reports or call in to the office and that type of thing, and with today's new technology it's just not used for that. We have checked with the media and they indicate they don't have a need for that room anymore.

Commissioner Korb: Great.

Dave Rector: The other thought, I guess, to go into this is, as you all know, there is some thought of that office moving and expanding at some point whenever we do these other renovations in the building, and whether you want to go ahead with this now or wait until a later date.

President Nix: I'm just curious, have you had a chance to talk to the Mayor or the city about this space? This is an all or none? In other words if the city doesn't want to cooperate then, or, let me rephrase that. If the city doesn't want to participate, then basically this wouldn't happen, is that correct?

Dave Rector: Well, I have talked to the Mayor, and it's under advisement. They're going to get back with us, but, I guess, on the other hand, if they decide not to, then if the county so elected to pick up all of the increase you could do that. Just offering options. This isn't my project. I understand her needs. She, her lobby is very crowded at times down there, and they do not have a meeting room at all. So, I'm not making light of the need. It is crowded.

President Nix: I'm just wondering if we couldn't maybe table this until at some point we hear back from the city and their wishes then.

Commissioner Tornatta: We'll have a meeting next week, so, if somebody could find out between now and then. I mean, I guess, I feel pretty comfortable with giving them the space. I don't think that's an issue on this board. So, it's kind of up to what

the city wants to do, and if they choose to do something, then we can bring it back here.

Dave Rector: I'll see if we can get a response from them before your next meeting.

Commissioner Tornatta: Okay.

President Nix: Thank you.

Commissioner Tornatta: Thank you, Dave.

Dave Rector: Thank you.

<b>EPA: Burn Ban Update</b>
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President Nix: Okay, the next action item is the EPA burn ban update. I know that it was quite some time back when we, good afternoon, Dona, it was quite some time back when we put a ban in place. I know that we've had some rains, but the ground has been extremely dry. Maybe you have some more information for us today.

Dona Bergman: Thank you, Commissioners, for allowing me to speak. I wanted to take this opportunity to thank Marissa. She's been super to work with as we've tried to coordinate city and county response to the drought conditions. We have had a long, hot summer. I don't ever recall, at least in my time as director, ever having a burn ban to last this long. Probably we could have lifted it a couple of weeks ago, but we were concerned still regarding the amount of dead leaves and dry brush and dead weeds, and wanted to make sure that fall weather pattern of rain every so often was going to get here and stay here, because it's, this summer's been pretty rough. I had actually called a burn ban on August 6<sup>th</sup>, and then County Commissioners were good enough to call a declaration of open burning emergency on September 25<sup>th</sup>. I thank you for your support on that. I have spoken with Chief Zuber at the Evansville Fire Department, Chief Buckman of German Township, and Chief Kahre of Scott Township. They all believe that conditions have improved enough that we can lift the burn ban. So, if it meets with the Commissioners approval, and you vote to lift yours, I will lift the city's at the same time.

Commissioner Tornatta: I make a motion to lift the burn ban.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you, Dona. Appreciate it.

Dona Bergman: Thank you, gentlemen.

Commissioner Tornatta: Thank you.

**DADS: Contract for Translator: Tri M. Nguyen  
New Wave Cable Franchise Extension  
Sheriff: Revenue Sharing Agreement: Holt, Sheets & Associates  
Health Department: FSSA Medicaid Transformation Grant Agreement  
Building Commission: FEMA Grant (Mobile Home Tie Downs Project)  
Addendum to Quantum Health OCH Lease  
Wage Addenda to Collective Bargaining Agreements (Pulled)  
Agreement to Raze Building for Building Commission: 102 Read Street**

President Nix: The next action item is contracts, leases, or contracts, agreements and leases. I'm going to read these, and if it would be okay with the other Commissioners, maybe we wholesale these as a vote, and if you've got anything that you would like to say about any of them, we'll go from there. Number one is the Drug and Alcohol Deferral Service; the second contract is New Wave Cable franchise extension; the third is the County Sheriff revenue sharing agreement with Holt, Sheets and Associates; the fourth is the Health Department, this is a Medicaid transformation grant agreement; the fifth is the state-local hazardous mitigation grant program; and the sixth is the addendum to the Quantum Health Old Courthouse lease; and we have tabled wage addendum to the collective bargaining agreements, or I ask that we table that; and, then the last one on here, because we have approved the ninth one, the eighth one is the agreement to raze the building at 102 Read Street. The agreement would be with JL Crane. I understand the County Attorney has reviewed this and it is satisfactory from a legal perspective.

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

President Nix: Okay. I will entertain a motion for those. If either Commissioner has any questions or concerns about any of those.

Commissioner Tornatta: I do have a question for the Building Commissioner.

Steve Fuchs: Yes?

Commissioner Tornatta: Okay, the one is for, I believe, the tie downs, is that correct?

Steve Fuchs: Yes.

Commissioner Tornatta: Okay.

Steve Fuchs: The state-local agreement.

Commissioner Tornatta: Pardon?

Steve Fuchs: The state-local grant agreement, yes.

Commissioner Tornatta: Yes. My question is about those who have already essentially taken care of the problem. We had talked to them that they would get some type of remedy or reimbursement.

Steve Fuchs: Yes.

Commissioner Tornatta: Where do we stand in line on doing that? Although I know we're trying to take care of those who have not secured their mobile housing. What do we do about those people that have done that?

Steve Fuchs: The procedure, the way it's set up is, that those that have not yet we'll proceed first. The others are submitting their bills, and after the project comes, you know, to the point where we've got Eastbrook done, we will start to pay all those.

Commissioner Tornatta: Okay, so, you're just looking at finishing Eastbrook at this time?

Steve Fuchs: Eastbrook will be the first target area.

Commissioner Tornatta: Okay.

Steve Fuchs: It's first.

Commissioner Tornatta: Okay.

Steve Fuchs: It has already launched, okay? They're starting, we're starting to do inspections on that one already. They, the other mobile, or modular home park owners have been told to contact the office anytime after December the 1<sup>st</sup>.

Commissioner Tornatta: Right.

Steve Fuchs: And that we will get to them. Our project really is that we want to have them done before hazardous weather, you know, season comes this year. So, that's within the next three months or so.

Commissioner Tornatta: Okay.

Steve Fuchs: You're talking about having it completed.

Commissioner Tornatta: Two things, I would like to see us not forget those who went out there and took care of their homes. Obviously, that is a big step that they took, out on a limb, not knowing that the grant process was coming, but knowing that they had to do that to secure their family. I think we need to recognize that. And, two, if we could be in communication with the Commissioners office, just let us know how your process is working along the lines of getting Eastbrook done? And, then when we think we might see some of those monies released to those who have already done the work and applied for the grant monies?

Steve Fuchs: Okay.

Commissioner Tornatta: If at all possible.

Steve Fuchs: Some of that is, you understand, once the agreement is signed, then the state, Jan Crider will tell us the procedure we have to go through for the reimbursement.

Commissioner Tornatta: Okay.

Steve Fuchs: That's not come forward yet—

Commissioner Tornatta: Okay.

Steve Fuchs: – because of the agreement. Dave Ballew already has a manila envelope full of receipts from people. So, I mean, we have started to collect those already to do that very thing. We will be as expedient about that as we possibly can be, but, some of it depends on what the state's process is.

Commissioner Tornatta: And, just since this has happened around the Christmas season, I mean, however we can do it, if it's possible, to get out some money released before Christmas would be a nice gesture, if at all possible.

Steve Fuchs: And, again, some of that, because, usually, on a grant, once it's signed and it goes back, sometimes there's a 45 to 60 day waiting period before that money is released to the state to distribute from the federal government. So, that's not always immediate. That will be according to their guideline. We certainly will make every effort we can, but we don't have control over when that money's released.

Commissioner Tornatta: Okay, well, I would appreciate it if you would do your best–

Steve Fuchs: Yes.

Commissioner Tornatta: –I would appreciate that. Just stay in contact with the Commissioners on that.

Steve Fuchs: When would you like a progress report? I would be happy to come back at any time you want.

Commissioner Tornatta: Well, I guess, when there's progress.

Steve Fuchs: Well, we have two inspectors going to spend all day tomorrow out there. So, it's starting.

Commissioner Tornatta: Yeah, I guess, I'm just talking, I don't want to lose sight of what's going on on the Commissioners side. You guys will be working your tails off to get that done, but on our side we just want to see how things are going, how they're progressing and if at all there's a potential to get some of that dispersed.

President Nix: If someone's had the work done already, they turn in their receipts, there's a cap on that as far as spending. What is that cap? So, that everyone knows that.

Steve Fuchs: I don't know what the cap is.

President Nix: And, the work has to be done by a licensed contractor in Vanderburgh County.

Steve Fuchs: Exactly.

President Nix: Or the City of Evansville.

Steve Fuchs: Exactly.

President Nix: I guess, those are two things that need to be clear, that people just can't send in receipts and say this work's been done and pay me, so.

Steve Fuchs: Right, they, in order to receive that reimbursement, they would have to have a permit on file that they had it done, and, you know, they're getting an inspection. So, those things, just like anybody else who does a repair to their home, have to be in place. They would have to have a permit, they would have to have the inspections. Then they would, you know, their receipt would be turned in and the would be reimbursed.

President Nix: Up to a certain limit.

Steve Fuchs: Yes.

President Nix: You don't have that?

Steve Fuchs: I don't know what the limit is. But, there will be also names of licensed contractors that people can call the office and get a name if they need to know who can do that strapping for them.

President Nix: And that phone number is?

Steve Fuchs: The permit desk is 436-7869.

President Nix: Okay, great.

Steve Fuchs: No, 7867.

President Nix: That sounds right. 67? Okay.

Steve Fuchs: Yeah, 69 is the fax machine.

Commissioner Tornatta: We can actually put a little blip on our Commissioners website. So, we'll have that on our Commissioners website, and be able to funnel that through.

Steve Fuchs: Okay. Any other questions?

Ted C. Ziemer, Jr.: Just a comment. I have, of course, read the grant agreement, and the project is described on exhibit B, and the project describes homeowners retrofitting the anchoring on their trailers and using a list of contractors that are approved by the Building Commissioner, and then the Building Commissioner is going to be presenting those contracts. The contract is going to be between the Building Commissioner and the contractors who are then going to go out and do this work. Those contracts are going to have to be submitted, they have to be signed by the county, they will have to be submitted to me for review. It does not say anything in the project description about reimbursing people for doing their own retrofitting prior to this grant being adopted. So, that doesn't mean it can't happen, but it means you do need to take it up with Jan Crider, and the State of Indiana Homeland Security will have to approve such payments for them to be made under the grant.

Steve Fuchs: Exactly. Now, if they have had it done by a licensed contractor and have the bill from that contractor, like I said, and have a permit and have an inspection, then that does make it acceptable. You know, if they've done it on their own as a homeowner then that will be, I'm sure, considered on an individual basis, and the state probably will have to look at those.

President Nix: Thank you, Mr. Fuchs.

Commissioner Korb: Just a question, an average cost to do this is what per structure? Ballpark?

Steve Fuchs: Okay, I'll let Dave...this is Dave Ballew, structural inspector, or code enforcement inspector for us.

Dave Ballew: The average cost is about \$35 per tie down. On average, what I'm seeing in the field is between \$600 and \$650 per manufactured home.

Commissioner Korb: Okay, so, I just wanted to know about how many homes we'll be able to service with this. Ted, are you asking for that to be in writing though from Mrs. Crider?

Ted C. Ziemer, Jr.: No, I'm not. I just want it to be, the grant is the grant, and it describes the project, and any variance from that description will have to be between the Building Commissioner and the Department of Homeland Security. I suspect they would put that in writing.

Commissioner Tornatta: Yeah, and, of course, Roger has kind of promoted that as part of the project, that we would look to do that. So, that has been promoted. The thing that's not been promoted is how and who's first in line. So, they've been working to try and get that done. I just want to promote to them that we challenge them to try and take those others as quickly as possible, to get them reimbursement, if they qualify.

Steve Fuchs: Right.

Commissioner Tornatta: And only if they qualify.

Dave Ballew: Just to give you a brief update also, so far I've inspected approximately 45 homes in the Eastbrook Subdivision. One of the biggest hindrances I'm finding right now is the skirting that goes around the home is secured. So, that's why I'm working with another inspector tomorrow to try to expedite things.

Commissioner Tornatta: That's, it's normally a \$25 fee, and we're waiving that fee.

Dave Ballew: Yes, the permit, correct.

Commissioner Tornatta: That will be part of our due diligence.

Steve Fuchs: And, as Dave spoke last night on television, I think, we are encouraging homeowners to take a section of skirting off so that our inspectors can expedite this and make this quicker and better. We're finding that most of them are not doing that. So, if homeowners hear this, if they could do that, that would really speed the process along.

Commissioner Tornatta: Have you sent out a letter to any of the owners of the complexes? Just to kind of filter that through, to let them know if they can help us out, that's one thing. We're waiving a fee on that, and we would like for that to go as quickly as possible, to try and knock out as many homes as possible.

Dave Ballew: Yeah, definitely. The owners of Eastbrook did receive a letter, and they actually sent out a handbill, you know, this past weekend for us.

Commissioner Tornatta: Okay. Thank you.

President Nix: Thank you.

Dave Ballew: Thank you.

Commissioner Tornatta: On that, I make a motion to approve all these contracts and leases.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<b>County Engineer</b>
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President Nix: The next action item is department head reports. John Stoll, County Engineer.

John Stoll: The first item, I would like to request approval to go to County Council to make a number of transfers to the First Avenue Bridge over Pigeon Creek. The accounts that the funds will be transferred from are as follows; Baseline Road Culvert, account number 2030-4330, the transfer amount will be \$66,000; 2030-4335, Kuebler Road Bridge 1160, the transfer amount is \$48,000; 2030-4376, Green River Bridge number 711, \$350,000; 2030-4410, St. Joe Bridge number 1921, \$200,000; 2030-4418, St. Joseph Avenue Bridge number 1924, \$15,000; 2030-4419, Bromm Road Culvert, \$10,000; and 2030-4421, Boonville-New Harmony Road Culvert, \$49,000. All these projects are either completed or they will not be done at all during 2007, and these funds will be needed to do the repairs on the First Avenue Bridge, which basically will consist of constructing new bridges on the approaches to the existing First Avenue bridge. This total is \$738,000, that will not be sufficient to cover the entire project cost based on the current consultant estimates. So, I plan to carry this money forward to 2008, then we'll have to go back to County Council and get another appropriation later once we know a final estimated project cost. But, I would like your approval to go ahead and make those transfers.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Hey, Mr. Stoll, if you would, just so the public knows what's going on out there, just a brief summary, and why the county is in the city doing work.



John Stoll: The county is doing the work because the county is responsible for all bridges within Vanderburgh County whether they're within city limits or not. So, that's why the county is doing that work out there on the First Avenue bridge. Basically, the scope of work for this project is to address the ongoing settlement problem that we've had out there on that bridge. The northwest corner has been the biggest problem. It's been patched repeatedly, and, basically, some soils work was done out there and it was found that there are some soils that are in very poor condition, they're very poor soils, they won't support the road, which, in turn, they're deep enough that there's no practical way of excavating it out. So, they came back with the recommendation to build a new bridge in advance of the existing bridge in order to just cross over it, to where now the road approach won't be resting upon those poor soils. That, like I said, will be a substantial cost that's estimated to be over \$800,000. I would like to get this to construction sometime next year, but part of that hinges on utility relocations, because there are water lines, sewer lines, phone lines, and a gas main out underneath that bridge as it stands now. The work that's going on out there this week is, AT&T is locating all their phone lines, so that way we can see whether or not the consultant can design around those and have them avoid relocating their lines, their phone lines at a substantial cost to them, and potentially a significant delay to the project. So, once they know that, then the consultant can finalize the bridge plans, and, hopefully, sometime next spring or next summer we can, hopefully, get this to construction.

President Nix: Thank you. Anything else, John?

John Stoll: Yeah, the next item is approval of right-of-way offer on the Cross Pointe Boulevard project. This is parcel ten. It's owned by Colonial House Motor Inn, Incorporated, and the offer amount is \$25,700.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I have a street acceptance request for section one of Liberty Estates Subdivision. The streets are 582 feet of Strathmoor Drive, and 229 feet of Quill Drive.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Then I have a street acceptance request for section two of Liberty Estates. This is 382 feet of Mayflower Drive, 686 feet of Patriot Drive, and 279 feet of Quill Drive.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I have a storm sewer acceptance request for section three of Havenwood Meadows Subdivision. This request is for 284 feet of 12 inch pipe, 202 feet of 15 inch pipe, 20 feet of 18 inch pipe, 355 feet of 21 inch pipe, for a total of 861 feet of pipe. These are all located outside of street rights-of-way. The developer has paid the two dollar per foot fee, for a grand total fee of \$1,722. So, I would request acceptance of those pipes.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Could you hold just a second, Mr. Stoll—

John Stoll: Sure.

President Nix: —to change a tape?

**(Tape change)**

John Stoll: Next, I have a request for the Green River Road project. This is parcel 14. It's owned by Thomas and Elizabeth Titzer. The property owners have requested an additional \$74 on their offer amount to make their final offer \$824, instead of \$750. I would recommend approval of that revision of their offer so we can acquire this parcel.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Then, next, I have a request from the Sater Family Partnership, who owns parcel seven on the University Parkway project. They obtained an independent appraisal, and based on their appraisal, they are requesting an additional \$157.21, for a grand total offer of amount of \$1,857.21. I would request approval of that amended offer.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: The last item I have is for a project that was completed last week. We received a letter from Ragle, Incorporated regarding a time extension request on the completion of the St. George Road bridge. The reason I bring this to you now is there was no meeting last week, but their completion deadline was October 31<sup>st</sup>. They requested an additional 10 calendar days. They actually finished in seven calendar days, which was last Wednesday. So, I would request approval of their seven day extension, so that way they aren't assessed any liquidated damages. The reason, the primary reason why they ran over their allotted contractual amount of days was there was additional bridge deck patching that was unforeseen when the project was originally awarded. So, I would request approval of the seven day extension.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

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

President Nix: Thank you, Mr. Stoll.

John Stoll: Thanks.

<b>County Attorney</b>
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President Nix: Following department heads, Ted, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, sir. Thank you. You'll recall that early this year the county received an offer from the State of Indiana to sell two parcels of real estate out by the intersection of Waterworks Road and Highway 41 to the county for a given price. We negotiated with them regarding that price, and finally it was agreed that the price it would be offered for would be \$10,000. Subsequent to that, the \$10,000 needed

to be appropriated by the County Council. They requested that there be a phase one survey done on the property for environmental hazards. We did perform such a survey. After that there was some questions that developed as to actually what the property would be used for, even though it was some 70 acres of property being acquired for \$10,000. One discussion was using the property as wetlands, then Mr. Jeffers had some thoughts that perhaps it might not actually be suitable for wetlands. So, there was a fair amount of give and take as what this property might be used for, if it was acquired for \$10,000. In the meantime, the Soil Water and Conservation District of Vanderburgh County became aware of the offer for the property, indicated that they would be willing to take over the county's position in acquiring this property from the State of Indiana, and at the same time would be willing to accept a donation from a local contractor who was willing to donate either to the county or to Southwest, or to Soil and Water Conservation District about 50 acres that unites the two parcels making up the 73 acres. They are still willing to do that. I have e-mailed and then phoned the representative of the State of Indiana relative to their offer to sell this property to the state. That gentleman has not yet gotten back to me. There is some urgency, especially with regard to the donation of the property that this transfer be completed during calendar year 2007. Since you will be meeting only next Tuesday, and not after that until December, and in the interest of perhaps getting this initially accomplished this week, assuming that I can talk to the representative from the State of Indiana, I would like to suggest to the Commissioners that they adopt a motion to approve the transfer of their rights as the purchaser of this property from the State of Indiana for \$10,000 to the Soil and Water Conservation District, and that in addition to that the Commissioners authorize Bill Nix as the President of the Commission to sign any and all documents which might be required by the State, or by the Soil and Water Conservation District to effectuate that transfer. That's the motion that I would suggest that you adopt, and if you do that, then I will continue in contact with Mr. Charlie Bell of the State of Indiana. As soon as I get my marching orders from the state, I'll prepare an appropriate document for Mr. Nix's signature.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Was that an aye?

Commissioner Korb: That was an aye.

President Nix: Okay, thank you. Mr. Ziemer, do you have anything else?

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

President Nix: Mr. Craig? Nothing? Any other department heads? We have no board appointments today.

**New Business**

President Nix: The next action item is new business. This is discussion of county long distance and directory assistance calls. Mr. John Staples is here from MRC.

John Staples: Excuse my voice, I'm getting over a cold. We met with Commissioner Korb on Friday of last week, and we had just implemented a telephone system here with the city-county and we've been investigating telephone bills with Marissa and Kristin. We found some interesting facts that the county has been paying several different long distance companies different rates, in fact, and, as we've been working with AT&T brought an offer to the table of lowering the long distance rate from the current rate of six cents that we're paying with Quest, or the county's paying with Quest, I should say, down to three cents a minute. That's basically it right now. There's no contracts, there's just basically investigative work being done right now. Whether there is an contracts with Quest, there is no current contract right now.

Commissioner Korb: Okay, so, we're not obligated to any other long distance company?

John Staples: That's correct.

Commissioner Korb: Did you talk to the city to see if they were willing to join with us on that?

John Staples: Not yet. The county would get the biggest benefit from this right now. The city is currently with AT&T.

Commissioner Korb: Right.

John Staples: They're currently paying four cents a minute.

Commissioner Korb: Right.

John Staples: So, it would drop down to three.

Commissioner Korb: Are they under contract, do you know, John?

John Staples: Their contract could be amended. They are under contract with AT&T though, correct.

Commissioner Korb: Okay. Great. I told the Mayor that somebody would be approaching him with that. So, he's aware of it.

President Nix: John, if you could, I don't want to, work through Matt Arvay on that if you could please.

John Staples: Yes, I am.

President Nix: Okay, great.

Commissioner Korb: John's here today because Matt's out of town?

John Staples: That's correct.

Commissioner Korb: Yeah, so, he's all in.

John Staples: Thank you. Just for your information, what kind of spending currently is about \$600 a month the county spends on long distance. Just so the average savings could be between \$250 and \$300 a month.

Commissioner Korb: The long distance contract with AT&T, would that require a contract?

John Staples: I'm sorry?

Commissioner Korb: The long distance contract with AT&T, will that require a contract? Or is that just a we're doing everything with you all so we'll give you a reduced rate?

John Staples: No, basically, it would be a contract, yes.

Commissioner Korb: Okay. So, you'll bring that back to us when you get something settled?

John Staples: Yes. It was informational, yes.

Commissioner Korb: Okay.

President Nix: Appreciate your work on that, Commissioner.

Commissioner Korb: You're welcome. Had a great meeting with them.

John Staples: Thank you. You also had a request about directory assistance?

Commissioner Korb: Correct?

John Staples: That's a separate item. Do you want me to cover that now?

Commissioner Korb: Go ahead.

John Staples: Okay. I have some information from AT&T regarding what can be blocked from AT&T's side. Basically, if you use directory assistance, if you call 411 from the county, you can currently do that and request a telephone number and for an additional fee they'll connect you. They cannot technically block that from their side. But, what I think we discussed during the site meeting that we had is maybe you would craft some sort of policy or something stating that wouldn't happen. Technically, AT&T cannot do that. It would have to be done through a policy internally.

Commissioner Korb: So, we can't do that through the phone system that we purchased either, is that correct?

John Staples: The, yes, the 411 can be blocked, but the old Centrex lines cannot be blocked.

Commissioner Korb: Okay.

John Staples: The phones that have not been cut over to the new system.

Commissioner Korb: So, the old Centrex lines would be the ones that would still have the capability of doing that?

John Staples: That's correct.

President Nix: And—

Commissioner Korb: I'm sorry. Go ahead.

President Nix: No, no. I'm sorry. Go ahead.

Commissioner Korb: Well, we're spending about \$1,500 a month.

John Staples: It's quite a bit. I don't know the exact dollar amount. I would have to ask what the dollar amount is.

Commissioner Korb: That's what our Administrative Assistants came up with.

John Staples: Oh.

Commissioner Korb: It's that range between \$1,200 and \$1,500 a month.

John Staples: Well, then, that's quite a bit. I didn't know it was that much.

President Nix: What percentage of our phones are still on Centrex?

John Staples: There's quite a few fax machines. Of course, that's 411, but, off site locations. There's not that many. There's maybe 300 phones. That sounds like a lot, but there's about 800 phones that the server—

President Nix: But, otherwise you could block, the new system could be blocked then, is that correct?

John Staples: The only thing that can't be blocked is the 555-1212. So, basically, if you call information to Indianapolis, 317-555-1212, we can't block that on the telephone system here, because there's too many area codes to block. It's not feasible to be done.

President Nix: Right.

John Staples: 411 pretty easy. We can just block if you dial 9-411, then you can't—

President Nix: So, then what are our options then?

John Staples: Basically, on your options, you could create a policy and say that if you were to go against this policy of the county that you do not use directory assistance, or you'll pay for it, I believe is what....didn't you say that during the meeting?

Commissioner Korb: We had talked about that, but, I guess, my question isn't where Bill's going is with the new phone system can we at least block the 411 that's a switching—

John Staples: The 411 on the new system, yes.

Commissioner Korb: And, the 555-1212, we can't block, which addresses Mr. Jeffers concern this afternoon in the executive meeting about long distance directory assistance?

John Staples: Right.

Commissioner Korb: Okay.

Commissioner Tornatta: But, we can bill that back to the offices.

Commissioner Korb: Absolutely.

President Nix: The departments?

Commissioner Korb: Right. What we had discussed, John, was that some of the departments were just ordering their own phone lines and their own phone systems and their own long distance, and that's what we had talked about. You have to come through the Commissioners office—

John Staples: Yes.

Commissioner Korb: —and then you would be directly billed for that.

John Staples: Oh, as far as ordering new telephone service or disconnecting telephone service?

Commissioner Korb: Correct.

John Staples: Yes, I would recommend that if I spoke with AT&T to make certain that they could name certain individuals to kind of force them through the Commissioners office, or whatever office.

Commissioner Korb: Okay.

John Staples: They said they could do that.

Commissioner Korb: Do we need to give John a directive for the 411, Commissioners?

President Nix: I really would like to see something, I guess, more, not necessarily a proposal, but something in writing that we, you know, instead of just—

Commissioner Korb: Doing it?

President Nix: Yeah. You understand what I'm saying? So, we understand exactly what we're going to be doing. We don't, you know, shoot our foot off here.

John Staples: Exactly.

Commissioner Tornatta: Why, I would say in the same letter, too, we would want to go ahead and address a policy on how we would run the whole system, which if we were going to bill back the county offices or the departments, how we would do that, and how that would be addressed.



President Nix: I would bet that most county employees and most employees that work in businesses don't realize there is a cost for that. I mean, you pay for it at home, but maybe you think it's free in, you know, here and in the courts building, or in , you know, businesses where you work. In fact, it does cost money to do.

John Staples: It does. It 's expensive, yes.

President Nix: That's a pretty good chunk of money you're looking at \$1,200-\$1,500 a month.

Commissioner Korb: Yeah, so, I mean, if you would just craft that for us and have it for us at our next meeting.

John Staples: Certainly. Is that next Tuesday?

Commissioner Korb: Yes.

John Staples: Sure.

Commissioner Korb: Yeah, and if you need to get with Marissa or with Kristin to craft that language that would be fine.

John Staples: Okay.

Commissioner Korb: Okay. However you want to do that.

John Staples: Alright.

Commissioner Korb: So, essentially, we're looking at blocking the 411 on our system, minus Centrex, allowing the 555-1212, but it will be billed back to your department, and what was the other thing? Oh, directions of all future phone orders and line disconnects will be funneled through the Commissioners office. It's not a control freak thing, it's jut we're trying to manage our money.

John Staples: Correct.

Commissioner Tornatta: Well, if you can cut out \$15,000 a year, that's a chunk of change.

Commissioner Korb: And not even trying hard.

John Staples: Exactly.

Commissioner Korb: And, I think also in that light, if you can, I don't know, guys, is this how it goes out to the county, explaining to them why we're doing it so it just doesn't show up and say we've stopped.

President Nix: Well, I think we could do that through a county all e-mail.

Commissioner Korb: Great, great.

President Nix: That probably ought to be something we could do after next week's meeting.

Commissioner Korb: Super.

John Staples: Alright.

Commissioner Korb: Well done. Thanks, John. I appreciate it.

President Nix: Thank you.

John Staples: Thank you.

President Nix: Any other department heads? Like I say, seeing none. We have no board appointments. Any other new business?

**Old Business**

President Nix: Old business?

**Public Comment**

President Nix: Now is the time for public comment to anyone that wishes to address the Commissioners on Commission business. Sir?

William Harris: My name is William Harris. I live in the area of Burdette Park. I would like to comment on the new bicycle, pedestrian and nature trail, which I use daily. It is a delight. I want to thank all of everyone who's had anything to do with it, and especially the County Commissioners. Thank you.

President Nix: Mr. Harris, thank you very much.

Commissioner Korb: Thanks, we appreciate that. We don't get that a lot.

Commissioner Tornatta: We all passed Mr. Harris last Tuesday.

President Nix: Yeah, we did. And, I walked past him Sunday when I was out there too.

William Harris: Everyday.

Commissioner Tornatta: He said everyday.

President Nix: I was out there on my Sunday walk and went right by him.

William Harris: That's right.

President Nix: Thank you. Is there any other public comment? Seeing none.

**Consent Items**

President Nix: I will entertain a motion to approve the consent items. I see on there that there is one I want to remove, the county health plan. Is that on this—

Marissa Nichoalds: They are.

President Nix: Okay, we will remove that then at this time.

Commissioner Tornatta: Okay, make a motion to approve the consents removing the county employee health plan.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. We will start Drainage Board immediately. Oh, I guess, we need to adjourn first.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thanks.

(The meeting was adjourned at 4:30 p.m.)

**CONSENT ITEMS:****Commissioners:**

Approval of October 23, 2007 Commission Meeting Minutes.  
Approval of November 7, 2007 Executive Session Summary Minutes.  
Approval of Hamilton Golf Course Public Hearing Summary.  
Lobbyist Activity Report for 5/1/07-10/31/2007.  
Key Government Finance: Req. No. 8 (Telephone System).  
ICJI Drug Free Indiana: County Comprehensive Community Plan.  
Legal Aid Society: Funds & Activity Report: September 2007.  
IBAP Gatekeeper: Allocation Recommendations for 2008 Funds.  
Letter to County Council: Vand. Co. Sheriff Deputies Organization (FOP)  
AMR Quarterly Report and Payment.  
Sigecom/WOW: Consent to Install Service at Old Courthouse.  
Lichtenberger Construction: Cost Adjustment for ARG Office Floor.  
Department Head Meeting Notes: October 23, 2007

**Employment Changes:**

Health Department (5)	Public Defender (2)	Circuit Court (2)
Sheriff Office (10)	County Assessor (1)	VCCC (4)
Superior Court (1)	Pigeon Assessor (1)	Recorder (1)

**Travel Requests:**

Health Department (6)	County Clerk (1)	County Eng. (1)
County Highway (1)		

**County Engineer:** Pay Req. No. 39: Green River-Burkhardt TIF Projects.

**Auditor:** November A/P Vouchers.

**Public Defender:** State Public Defender Reimbursement Request.

**Treasurer:**

Year-to-Date Report: September 2007 and October 2007.  
Monthly Report: September 2007.

**Surplus Letters:**

County Clerk: desk, metal drawer frames, fax machine, printer, keyboard, chairs.  
Pigeon Assessor: hard drives and monitors.  
Public Defender: desk, chairs, credenza.  
Superior Court: Minolta copier.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Service	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Phil Wolter	Debbie Spalding
Eric Williams	Mike Shoulders	Dave Rector
Dona Bergman	Steve Fuchs	Dave Ballew
John Stoll	John Staples	William Harris
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
NOVEMBER 20, 2007**

The Vanderburgh County Board of Commissioners met in session this 20<sup>th</sup> day of November, 2007 at 3:30 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: Good afternoon. I would like to call to order the Board of Commissioners of Vanderburgh County, November 20, 2007, right at 3:30. I will call for introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Korb: Jeffrey Korb, County Commissioner.

President Nix: Bill Nix, County Commissioner.

Commissioner Tornatta: Troy Tornatta, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: We have two shadows here today.

Taylor Speciale: Taylor Speciale from Harrison High School.

Katie Clevidence: Katie Clevidence from Harrison High School.

President Nix: Welcome. Thank you. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Award Wedgewood Room Renovation Bid**

President Nix: The first action item, or, excuse me, before I start with that, I would like to announce if there's anyone here today to here the rezoning at 7801 Old State and Eissler Road, that has been sent back to Area Plan. It will not be heard here today. So, I didn't want you sitting here for a while having to listen to that if...apparently the word is out already on that, so, okay. The first action item is permission to award, and this is the Wedgewood Room renovation bid. Debbie Spalding is here from Purchasing today.

Debbie Spalding: Good afternoon. We received bids last week for the Wedgewood Room. We received two bids. It was advertised in the paper. The two bidders were Lichtenberger and ARC Construction. The low bid was provided by Lichtenberger for \$347,920. It would be our recommendation, after reviewing the bids, they were complete, the drug policy was included, and the information for the MBE/WBE program. So, it would be our recommendation to award to Lichtenberger.

President Nix: Comments or questions from the board?

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Debbie Spalding: Thank you.

President Nix: Thanks, Debbie.

<b>Permission to Award Tax Sale Quotes</b>
--

President Nix: The next action item is permission to award, this is the tax sales quote. Kathryn Schymik is here today from the County Attorney's office.

Kathryn Schymik: We solicited proposals from three local auction companies for services to hold an auction to sell county property, county owned property that we obtained after the last tax sale. The companies that submitted proposals were Dimmett Auction Services, Sohn and Associates, and F.C. Tucker. We have taken time to evaluate each of those proposals, and have kind of provided that analysis to the Commissioners for review. I'll be happy to, I guess, go into any more detail or answer any questions, if it's necessary.

President Nix: Could you just give us a summary of the three?

Kathryn Schymik: Sure. No problem.

President Nix: The cliff notes.

Kathryn Schymik: Dimmett Auction Services offer to conduct the auction for a fixed expense of \$35,000. \$20,000 of that would go to their services for actually holding the auction, \$15,000 would be allocated for advertising expenses. Sohn and Associates offered to do that with \$3,077.30 going to advertising costs. Then they would take either a two percent commission on gross sales, or \$3,750, whichever amount was greater at the end of the day. Finally, F.C. Tucker offered to do it for advertising costs of a range between \$2,000 and \$2,500, I guess, depending on what advertising methods we chose to pursue. Then, they would charge a buyer's premium of seven percent. So, that would not come out of the county's gross, or net proceeds, but instead would be passed along to the buyer after the auction, and added to whatever price they might bid. So, those were the, I guess, the basis of the three proposals.

Commissioner Tornatta: Motion to take these under advisement.

Commissioner Korb: Second.

President Nix: Okay, I guess, if we do that, you'll bring this back on the 11<sup>th</sup> with your recommendation, and we would move forward with it then?

Commissioner Tornatta: Yeah. Yeah, I think one of the things that I've requested is that we do make sure that the advertising is in line with what we think we're going to need on a point system. Or, at least, using advertising terms, to get the effective word out.

Commissioner Korb: Well, my thought on that though is given Sohn's past track record, and this is exactly what they do in looking through their brochure. I mean, I don't have any reason to think that they can't go ahead and start on this. I mean, I don't mind taking it under advisement, but, I mean, if that's what you would like to do, I'm okay with that.

Commissioner Tornatta: Well, I want to see and make sure that we've got everything in a row. I mean, we had a little discrepancy between a couple of different of the vendors, and I want to make sure that that advertising is going to get it done and give us our best bang for our buck. So, I don't think it's going to be any big deal to hold it out for the amount of time till our next meeting.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. That will be heard, I guess, on the 11<sup>th</sup> of December then. Thank you, Kathryn.

<b>Permission to Seek Quotes on the Printing and Mailing of 2008 Tax Bills</b>
--

President Nix: The next action item is permission to seek quotes on printing and mailing of the year 2008 tax bills. Debbie Spalding is here to—

Debbie Spalding: Yes, that's what I'm seeking permission to get quotes on the tax bill printing and mailing for the 2008 season.

Commissioner Korb: So, if we deny this, Debbie, does that mean we don't get our tax bills?

Debbie Spalding: They'll find a way.

Commissioner Korb: Dang it! Okay.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you, Debbie. Do we have any other business with you, Debbie, today, you could stay up there if you like? Okay, thank you.



**Second/Final Reading of Ordinance CO.11-07-014:  
Establishment of Criminal Justice Planning Commission**

President Nix: The next action item is the second and final reading of ordinance CO.11-07-014. This is the Criminal Justice Planning Committee ordinance. I didn't know if there's anyone in the public that would wish to speak to this at this time? Seeing no public comment. Any questions from the Commissioners, concerns?

Commissioner Tornatta: Motion to approve CO.11-07-014.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. This requires a roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And, I vote yes. It passes.

**Burdette Park 2008 Rates**

President Nix: The next action item is Burdette Park 2008 rates. Mr. Steve Craig, Manager of Burdette Park, is here to speak to this.

Steve Craig: Steve Craig, Manager of Burdette Park. I'm asking for the Vanderburgh County Commissioners to approve the new rates for Burdette Park. These rates are for 2008-2009, and for the Discovery Lodge 2010. They have been reviewed and approved by the Burdette Park Advisory Board. At this time I would like the approval from the County Commissioners for these rates.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: And, we were e-mailed these some time back. I think Mr. Korb got his before the rest of the Commissioners.

Commissioner Korb: Yes, I did.

President Nix: We have reviewed those. A motion and a second. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Commissioner Tornatta: Steve, and we do have plenty of openings for the camping site that's on the property, right?

Steve Craig: Yes, we do.

Commissioner Tornatta: Okay, so, just getting that out there.

Steve Craig: Okay.

Commissioner Tornatta: Okay.

Steve Craig: And, we are taking applications for employees for next summer, while I'm standing here.

Commissioner Tornatta: Okay.

President Nix: Thanks.

Steve Craig: Thank you.

**Youth Resources 2008 Agreement  
Ziemer Stayman Weitzel and Shoulders 2008 Agreement  
Evansville ARC 2008 Grant Agreement  
Mulberry Center Employee Services 2008 Agreement  
County Engineer: 2008 Old Courthouse Lease Agreement  
Purdue Co-Op Extension 2008 Services Contract  
USI/METS Transportation Agreement for 2008  
2008 Elderly & Handicap Transportation Agreement with BPW**

President Nix: The next action item is contracts, agreements and leases. Ms. Schymik?

Commissioner Tornatta: Can we wholesale these?

President Nix: Well, let me go ahead and read them. I'll read them into the record here. Okay, the first one is the County Commissioners Youth Resource agreement; the second one is the County Commissioners, this is our agreement with the County Attorney, Ziemer, Stayman, Weitzel and Shoulders, agreement for legal services; the third one is the County Commissioners Evansville ARC agreement; the fourth one is the County Commissioners agreement with the Mulberry Center for employee services; the fifth one is the County Commissioners, this is the lease for the County Engineer at the Old Courthouse, for space for the County Engineer; the sixth one is the County Commissioners, the Purdue Co-Op Extension services contract for 2008; the seventh is an agreement between USI and METS transportation agreement with the Board of Public Works; the eighth is between the Commissioners and the elderly and handicap transportation agreement with the Board of Public Works.

Commissioner Tornatta: Quick question, and it does say on here pretty much everything is the same as last year. I'm sure with an increase, the property increases, is that what's in there? Okay, and that's all been approved by the County Council, so, most of these are already in the 2008 budget. So, I make all of these in one motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<b>County Engineer</b>
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President Nix: Department head reports. Are there any other department head reports? I think Pat Seib is here from the County Engineer's office, in the place of Mr. John Stoll. Good afternoon.

Patrick Seib: Yes, good afternoon. Patrick Seib, Assistant County Engineer. My first item is to request approval of a change order on contract number VC07-07-01. That's the St. George Road bridge rehab. This is mainly for additional patching that was needed. Once we got into the work and we saw that the deck was in worse condition than we anticipated. It's for a net increase of \$9,940.85.

Commissioner Korb: Move to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Patrick Seib: The second item I have is to request approval of a change order on contract VC07-05-02, the concrete repairs of various roads. This is mainly for work that was added to the project once it got underway. This is for a net increase of \$14,462.80.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Patrick Seib: I also have a time extension request on contract number VC07-08-01, the Bromm Road culvert project. The contractor is requesting a ten day extension due to inclement weather, the relocation of several utilities, and some extra work that was added on to the project.

Commissioner Tornatta: That seems reasonable?

Patrick Seib: Yes.

Commissioner Tornatta: Okay. Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Patrick Seib: The last item I have is to recommend the acceptance of 1,080 feet of Wolf Creek Court in the Wolf Creek Village Subdivision. The street was completed in 2006 in general accordance with the approved plans.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Patrick Seib: That's all I have, unless you have any questions.

President Nix: Questions?

Commissioner Korb: Nope.

President Nix: Thank you, Pat.

Patrick Seib: Thank you.

Commissioner Korb: Thanks, Pat.

<b>New Business</b>
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President Nix: The next item is new business. Is there any new business to come before the Commission? Seeing none.

<b>Old Business</b>
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President Nix: Is there any old business? Seeing none.

<b>Public Comment</b>
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President Nix: Now is the time for public comment. Any questions regarding the Commission at this time? Is there any public comment? Seeing none.

<b>Consent Items</b>
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President Nix: I will entertain a motion to approve consent items.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

Commissioner Korb: No, no, no. I have to abstain on three of them.

Commissioner Tornatta: Okay, let's go ahead and take those three out.

President Nix: Which ones are they?

Commissioner Tornatta: Let's go back and, how do we want to do this?

President Nix: Do you want to abstain from—

Commissioner Korb: The Old National Bank insurance.

President Nix: Kathryn? Go ahead.

Kathryn Schymik: I might recommend maybe listing off the three that you need to abstain from, and then the two other Commissioners can vote on those first.

Commissioner Tornatta: Right.

Kathryn Schymik: Then we'll move to approve the remaining consent items.

Commissioner Korb: That's great. As I am an employee of Old National Investments, which is a division of Old National Bank, I need to abstain from the letter to Old National Bank Insurance for the employee benefits and voluntary insurance, also to the letter of Old National Bank Insurance property and liability insurance, and finally the letter to THDF, employee benefits, voluntary, property, I'm sorry, yeah, voluntary, property and liability insurance.

Commissioner Tornatta: Second.

President Nix: He just abstained.

Commissioner Tornatta: Oh, I make a motion.

President Nix: Second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Opposed same sign. And one abstention?

Commissioner Korb: Yes.

President Nix: Okay, now I will entertain a motion to approve the balance of the consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Commissioner Tornatta: Okay, and I have one other consent issue. It's transferring from the IBAP Gatekeeper program \$150 to the Transportation for the bus token service. Then, we have a memo going out for that matter.

Commissioner Korb: Troy, is that a one time deal? Or is that \$150 a month?

Commissioner Tornatta: It's a one time deal. One time deal.

Commissioner Korb: And that's just to help them get over the hump?

Commissioner Tornatta: Yep.

Commissioner Korb: Okay. Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Commissioner Tornatta: Motion to adjourn.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

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

**CONSENT ITEMS:**

**Commissioners:**

Approval of the November 13, 2007 Commission Meeting Minutes.

Commissioner Letter to ONB Insurance: Employee Benefits & Voluntary Insurance

Commissioner Letter to ONB Insurance: Property & Liability Insurance.

Commissioner Letter to THDF: Employee Benefits, Voluntary, Property /Liability Ins.

Letter Regarding Annual Insurance Audit.

IBAP Gatekeeper Transfer Request.

Department Head Meeting Notes: November 13, 2007.

**Employment Changes:**

County Clerk (1)

Health Department (1)

VCCC (2)

Superior Court (1)

Prosecutor (1)

**Travel Requests:**

Health Department (1)

**County Engineer:** Pay Request No. 40: Green River-Burkhardt TIF Projects.

**Surplus Requests:**

Legal Aid Society: Computers, monitors, printers.

Health Department: Vehicles.

**Weights & Measures:** Monthly Report: October 2007.

**Department Head Reports:**

Burdette Park

County Engineer

County Highway

Veterans Services

**Those in Attendance:**

Bill Nix

Jeff Korb

Troy Tornatta

Bill Fluty

Kathryn Schymik

Marissa Nichoalds

Madelyn Grayson

Debbie Spalding

Steve Craig

Pat Seib

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)



**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 11, 2007**

The Vanderburgh County Board of Commissioners met in session this 11<sup>th</sup> day of December, 2007 at 3:31 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

**Call to Order**

President Nix: I would like to call to order the Vanderburgh, the Board of Commissioners of Vanderburgh County, December 11, 2007 at, it's 3:31. I will start to my far right with introductions.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

Commissioner Korb: Jeff Korb, County Commissioner.

President Nix: Bill Nix, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Permission to Open Quotes for the Printing/Mailing 2008 Tax Bills**

President Nix: Good afternoon. I guess, the first action item is to open quotes for printing and mailing of the 2008 tax bills. Do you have those? I will entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

**Proclamation: University of Evansville Remembrance Day**

President Nix: The first action item, we're going to go out of sequence here just a little bit. We've got a proclamation for the University of Evansville Remembrance Day. This is the plane crash of December 13<sup>th</sup>, was it December 13<sup>th</sup>?

Commissioner Tornatta: December 13, 1977.

President Nix: '77. Commissioner Tornatta, if you could read that for me, please.

Commissioner Tornatta: Yeah, in the audience with us, and if they want to come up, Athletics Director, John Stanley, for the University of Evansville; former President Wallace Graves; and City Councilman Jeff Kniese. Guys, if you will just stand at the podium, or hang out around there, we'll read this proclamation. If you have any comments, we would gladly like to hear about it, but then we'll sign this and get each of you a proclamation to take with you.

"Whereas, on December 13, 1977 a tragic plane crash claimed the lives of the University of Evansville men's basketball team, coaches, faculty and supporters. Whereas, thirty years ago to this day, Vanderburgh County lost 29 community leaders, grandfathers, husbands, fathers, brothers, sons and friends. Whereas, we honor the families of the victims, as well as the entire University of Evansville family for their resolve in the light of this catastrophic event. Whereas, we thank all the first responders and rescue workers who will still carry the memories of that foggy Tuesday night. Whereas, we recognize former President Wallace Graves, former players and coaches, the NCAA, concerned universities, numerous charity events and a robust passion for Purple Aces basketball by the whole community. Whereas, the University of Evansville will hold an anniversary memorial service at noon on Thursday, December 13<sup>th</sup> at Neu Chapel on the UE campus, and conclude at nearby Memorial Plaza. Therefore, be it proclaimed, December 13, 2007 to be the "University of Evansville Day of Remembrance" in Vanderburgh County, Indiana."

President Nix: And, that is in the form of a motion?

Commissioner Tornatta: Yes.

President Nix: Okay.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. Gentlemen?

John Stanley: I'm John Stanley, the Athletic Director at U of E. This is my first year of doing this, so, I will defer to the gentlemen who were intimately involved in it, to a degree. But, I've lived in Evansville my whole life, and I'm very grateful that you would take the time to do this proclamation on behalf of the University of Evansville. It's a wonderful place to work, and has had great leadership over the years. I happened to be living in Evansville in Melody Hills at the time that this tragedy occurred, and to this day when I go past the monument at the University of Evansville, it causes, evokes emotion for me. I think much like people that may go to the Vietnam Wall that have been in Vietnam, when you go by there and see that you have memories of sorrow and all kinds of emotions. It means a lot. It still does to the University. It's very much intertwined in our history, and the people that work with me at the University will be very grateful that you chose to give us this honor. As you know, Dr. Graves had been the President there at the time, and I would like

to ask if he would like to make a few comments. But, we thank you very much on behalf of the University.

Wallace Graves: Thank you. Just let me add a word of appreciation for this thoughtful citation. In many ways it doesn't seem 30 years ago that this tragedy occurred. The University understands that it was a heartbreaking experience, not only for the people of the Evansville University campus, but also for the people of the City of Evansville and the entire tri-state. In fact, wherever I've traveled in the world in the days since that fateful night, people, once they find that I'm from Evansville, are in almost any case anxious to know how we're doing. They have suffered in various ways with us. So, this is an occasion that we are very much appreciative of. We will try to live up to the high expectations of this fine Council. Thank you.

Jeff Kniese: Good afternoon. My name is Jeff Kniese. My brother, Mark, was on that plane. As you can probably imagine this is a very difficult time for not only my family, but very close friends. This is difficult for me, but I felt the need to come up here and at least thank the Commissioners. I want to thank Commissioner Korb for his nice comments in the newspaper last Sunday. The University has done an excellent job reaching out to the families. This time of year is never, never easy, but with the community's support, and we have a tremendous network of friends and family and our strong belief in the Lord has gotten us through so much. It is just very, very difficult, as you can imagine, happening a few weeks before Christmas, for this to happen, and we still stay in contact with a lot of the families. So, I apologize for kind of stumbling up here at the microphone, but even though it's been 30 years, it's still not easy for me, or my family, or anybody to kind of go through the wave of emotions that come over you when you lose a family member as close as the one I lost. So, thank you.

Commissioner Tornatta: If you will come up here, I would like to present each of you with a proclamation. Just let it be known that the hearts of Vanderburgh County always remembers that incident, and we use it to further our county in a positive way. Thank you for showing up today.

<b>Evansville ARC Quarterly Presentation</b>
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President Nix: The next action item is the Evansville ARC quarterly presentation. Here today with us is Amy Mangold, Laurie Seals, and Deidra Conner.

Amy Mangold: Hi, I'm Amy Mangold. I'm the Director of Development at Evansville ARC. First and foremost we would really like to express our appreciation for your long standing support of Evansville ARC. We are very grateful for that. As an overview, Evansville ARC has been serving individuals with disabilities within our community since 1954. We do that at two facilities: the Virginia Street facility, the training center, and ARC Industries out on Kotter Avenue. We do through a variety of programs, including our inclusive daycare center, Successful Transitions which assists high school students and their families, individuals with severe and profound disabilities. We also provide work services, and we also provide programs which connect individuals with disabilities with recreational, social and volunteer opportunities within our community. We will provide to you a sheet that outlines all of our services and programs, just for your information, if you would like to learn a little bit more. We normally during our quarterly update like to highlight a program and service. I would like to introduce Laurie Seals, our director of our Child Life Center. She has been the director for about three years. Our program has really

grown and has really, really flourished under Laurie's leadership. She would like to give you an update on the Child Life Center, and also provide a testimonial from one of the parents.

President Nix: Thank you, Amy.

Laurie Seals: As Amy said, and I apologize for my voice, I'm losing it. So, bear with me. Our agency has been in this community since 1954. The roots of our agency started with children. So, much of what you see today, in terms of our services provided, spring out from the children's services that were started in the '50's. ARC has always had best practices woven through its mission. I'm fortunate to be a part of an agency that is always wanting to provide quality services to all of its individuals. One of the best practices that kind of came down the pike in the early '90's was something called inclusion. That was a theory that is definitely in the heart of most schools now that you see. So, children with and without disabilities are able to come together in an educational setting and learn alongside of one another without feeling like I'm different than the other child and whatnot. So, in 1993, the Child Life Center was born, and it is an inclusive childcare facility serving children six weeks to six years. We have a longstanding partnership with the EVSC, where we provide therapeutic instruction to children three to five years of age through the school year. Children who qualify under these services can receive physical therapy, occupational therapy, speech therapy, vision, whatever they need while at our program. In terms of numbers served, we served 149 children last year. Of those children, and that's inclusion, so it's children with and without disabilities, of the children that had disabilities, 50 percent of our kiddos either had a reduction in special ed services or they had an elimination of special ed services. That speaks volumes to early intervention. Many of the children that we can reach at an early age may not need special ed services by the time that they reach school age. Just some other quick statistics, 40 percent of the kiddos that we served last year were considered low income. In terms of our teachers, we provided over 188,000 direct service hours to our clients that we serve. Our facility is NAEYC accredited through the National Association for the Education of Young Children. We are, obviously, we're state licensed. We are a level four, which is the highest rating on the local 4C's paths to quality. We received the 2007 Courier and Press Reader's Choice Platinum Award this year, and most recently were awarded the 2007 Indiana Youth Institute Youth Investment Award for quality youth programming. I had had a parent that was supposed to come with me, and she actually sounds worse than I do today. So, she has actually sent an e-mail, and we can pass that around, and some photos of her daughter. Allyson Parker is a student in our program. She is three years old. She's been with us since an infant. She was born three months premature. You can see some pictures of her on her birthday. She is little, but mighty, and is a testament to why she has thrived so well all these years, because this child has just a determination like no other. Her parents will tell you that they searched high and low for a place to put Allyson, because they both work, and they needed quality child care. A place that they knew that she would be cared for in an appropriate manner. I will tell you that Allyson ironically has not needed any special ed services. To be born at 27 weeks gestation is a rare find not to need special ed services. Mom will also tell you that a lot of that is in part, she thinks, to being in our environment, because children in that inclusive environment receive developmental instruction while they're there. So, we may be intending that instruction for a child that has a specific disability, but everyone benefits from it. So, on behalf of Allyson and all the children that we serve, and on behalf of our teachers, we certainly thank you for your support.

President Nix: Thank you, Laurie.

Laurie Seals: Thank you.

Deidra Conner: I just want one minute. I know we're somewhat pressed for time, but I just want to take a few minutes to personally say thank you as the President of Evansville ARC. My name is Deidra Conner. To let you know, on behalf of the staff, the management team, our board, the clients and children and families that we serve, your financial support means so much to us. More than you will know. And your demonstration that people with developmental disabilities are an important part of our community. That's really what we feel with your financial support and your moral support. I also wanted to let you know that, I don't know if you're aware of this, the Vanderburgh County Commissioners are one of our longest standing supporters. We received our first grant in 1964 for \$6,000, and we have had continuous financial support since that time. So, 43 years, if my math is correct. So, you are a very important part of our history. Our successes are your successes. We feel very strongly that your partnership truly is a partnership to change lives like Allyson's. So, thank you very, very much. I did want to leave with you, not only our summary of programs and services, but we do have the history of Evansville ARC that was written by my predecessor several years ago. And since you're such a big part of our history, we have a copy for each of you. So, a little light reading for you over the holidays. But, genuinely and sincerely, thank you very much. Do you have any questions about Child Life Center?

Ted C. Ziemer, Jr.: No, just a comment. I know that you're in the midst of completion of your capital fund campaign.

Deidra Conner: Yes.

Ted C. Ziemer, Jr.: And you've got a few hundred thousand dollars yet outstanding on your total goal. So, it would not be amiss if anybody watching this on television or anybody here today would see fit to make a year end tax deductible Christmas gift to ARC to help them meet that goal.

Deidra Conner: That would be awesome. I didn't know if I could say that. Just as a little background—

Ted C. Ziemer, Jr.: You couldn't, but I can.

President Nix: I want to know how much money you paid him to say that. That's what I want to know.

Deidra Conner: He was quoted in the paper yesterday as being part of that capital campaign, so, I think he's trying to step it up a notch. Just a little history, that's another part of Vanderburgh County's commitment to us, back in the late '50's Vanderburgh County help fund the building of our training center at 615 West Virginia. It was designed with a parking deck on the roof. Unfortunately, the roof has leaked from day one, as some former board members know. So, we are currently in the midst of a capital campaign to repair that roof, get new parking, and fix the rain damage. So, you can visit [www.evansvillearc.org](http://www.evansvillearc.org) to learn more. Or call us at 428-4500. We do sincerely appreciate your generous support.

President Nix: Deidra, I just, sitting on the board over there, I feel privileged to be part of that, and for what ARC does for the community. I know, from time to time it's

very enlightening just to walk through there and see what goes on at the facility over there. I think you need to have an open house sometime down there. I don't know as far as the general public, I don't know how that would work, but something like that just to see what you all do over there.

Deidra Conner: Okay.

President Nix: It's fantastic. It's a great group of people.

Deidra Conner: We would love to have all of you come by if you haven't come by and help us spread the word. It is an amazing place, and not because of me, not because of the staff, because of the individuals there with disabilities who want exactly what you and I want, to work, to be independent, to live in this community as fully and independently as they can. They're amazing individuals who we have more in common with than we have differences. So, come by any time.

President Nix: Thank you.

Deidra Conner: Any questions?

President Nix: Questions?

Commissioner Korb: No, thank you.

President Nix: Thank you very much.

Deidra Conner: Thank you. I am leaving these behind.

President Nix: I've got one. I do have one.

Deidra Conner: Have you read it?

President Nix: Yes, I have.

Commissioner Tornatta: Liar.

Commissioner Korb: Are there a lot of pictures in it, Bill?

President Nix: No.

Commissioner Korb: Okay.

<b>Proclamation: Ron Allega</b>
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President Nix: The next action item is a proclamation, let's just step back for a minute. We lost, the County lost one of our own here just a few weeks ago. The County Highway Department, he worked on the Bridge Crew. Mr. Duckworth is here to speak on behalf of one that we've lost. Mike?

Mike Duckworth: Thank you, President Nix and members of the Commission. I'm Mike Duckworth, Superintendent of the County Highway Department. Today I'm here to help recognize a man that worked for the County Highway Department for approximately 18 years. As County residents and City residents drive throughout the

community they'll notice that they have safe bridges to drive over, and whenever we have tornados or other critical events, trees down, those kinds of things, many times we take for granted the work that our county employees do. Back in, I would say August, we found out that Ron Allega, one of the members of our Bridge Crew had contracted cancer. After a strong, but short battle, he passed away on November 26<sup>th</sup>. We have with us today Ron's wife, Candy, his brother, Ray, his supervisor, if you'll stand please, Mark Taylor, and one of his co-workers, Jim Brandle. I would like for Candy and the family to come forward at this time. I believe Commissioner Tornatta has a presentation of a proclamation, which I have a presentation after that please.

Commissioner Tornatta: Okay. Thank you all for coming.

"Whereas, Ron Allega was an employee of the Vanderburgh County Bridge Crew, as a part of the Vanderburgh County Highway Department. Whereas, Ron Allega served as a County employee for 17 years, from 1990 to 2007. Whereas, Ron Allega was a dependable county employee, a loving husband, father and neighbor, not to mention one of the most loyal IU fans of all time. Whereas, Ron Allega contributed to the County and its residents to improve the overall quality of life. Whereas, Ron Allega passed away on Monday, November 26, 2007. Therefore, in honor of this dedicated public servant, Wednesday, December 12, 2007 is herewith proclaimed as "Ron Allega Day" in Vanderburgh County, Indiana. Executed this 11<sup>th</sup> day of December, 2007 by the Board of Commissioners of Vanderburgh County."

President Nix: And that is in the form of a motion?

Commissioner Tornatta: It is.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

Mike Duckworth: As you mentioned, Ron was a big IU basketball fan. On October 9<sup>th</sup>, with the help of Pat Shoulders, who is an IU trustee and a member of Mr. Ziemer's law firm, we were able to get Ron a seat next to Calvin Samson, the IU basketball coach, at the IU Alumni luncheon. I have a picture that I took of the two of them that I want to present to Candy, and then there's a card and something that the guys and gals of the department wanted to give to the family. I would like to present that to them at this time. Then, I think you have the proclamation to give to them as well.

Commissioner Tornatta: Marissa's got it.

Candy Allega: Thank you.

President Nix: We'll have that here in just a minute.

Candy Allega: I just wanted to say that Ron really loved his job. He loved working for Vanderburgh County, and that's one of the things that he missed the most, through his illness was the guys. I just want to say thank you.

President Nix: Thank you.

Candy Allega: He would love this, and we appreciate it. Okay.

President Nix: Thank you.

Mike Duckworth: I think Marissa went, we had the proclamation framed, and I think she's bringing it out at this time for, you can give it to the Commissioners to present to the family at this time.

Candy Allega: Thank you.

President Nix: Thank you. Hang in there.

Candy Allega: I love it. Thank you.

Commissioner Korb: Thank you very much.

Mike Duckworth: Thanks, Commissioners, we appreciate it very much.

President Nix: Thank you, Mike.

<b>Reading of Bid for Printing/Mailing of 2008 Tax Bills</b>
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Ted C. Ziemer, Jr.: Do you want the bid?

President Nix: Yeah, let's go ahead with the bids on the printing and mailing of the 2008 tax bills.

Ted C. Ziemer, Jr.: Yeah, for printing and mailing the 2008 tax bills, we just have one bid. That is from Work Flow One. For printing it's \$50,800. For mailing it was \$46,800. In their bid document they show a total of what should be the total of these two items as \$100,600, but it's actually \$97,600. I made that change in the bid document.

President Nix: Okay, is that, that would be a lump sum bid then for that amount?

Ted C. Ziemer, Jr.: Yes.

President Nix: Okay. Are we going to take this under advisement today?

Ted C. Ziemer, Jr.: Yes.

President Nix: I didn't know if that was something that needed to get out.

Commissioner Tornatta: Motion to take it under advisement.

Commissioner Korb: Second.



President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<b>Permission to Award Tax Sale Quote</b>
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President Nix: The next action item is permission to award tax sales quote.

Ted C. Ziemer, Jr.: This was presented to you at the last meeting. I don't know if you have questions. I'll just briefly tell you there were three quotes, one from Dimmett Auction Services for a \$20,000 fee for conducting the auction, and \$15,000 for advertising. Another bid from Sohn Associates Limited, fixing advertising expenses of \$3,077.30, and a commission of either two percent of the value of the property sold, or \$3,750, whichever was greater. Then, a quote from F.C. Tucker Auctions for expenses of \$2,000 to \$2,500 per auction, with their proposal recommending that we hold three different auctions in order to reoffer properties that did not sell at a prior auction. Their commission would be a 70 percent, seven percent, excuse me, buyer's premium, that means that contrary to the Sohn commission, which would be charged against whatever the bid was, the F.C. Tucker commission would be added to the amount of the bid. So, if the property sold for \$1,000, it would actually sell for \$1,070, with that amount to be paid by the successful bidder. In the case of Sohn, if a property sold for \$1,000, the commission would be \$20, and that would be paid out of the \$1,000.

President Nix: Okay.

Ted C. Ziemer, Jr.: Those were the three quotes that were received. I will say that to do just a preliminary comparison, we did get figures for properties sold at tax sale in 2004, 2005 and 2006. I'm not going to go through all of those, but I will say that the year when the most value was received was in 2006 when we sold land with a value of \$154,000, and improvements with a value of \$592,000, and that would be a total of \$746,000. The commission for Dimmett on that sale would have been \$20,000, the commission of Sohn on that sale would have been \$14,860, the commission of F.C. Tucker would have been no cost to the County, because you would have added seven percent of \$746,000 to the sale price to be paid by the purchasers. Those are the three quotes and its your pleasure.

Commissioner Korb: The recommendation was, I think, to go with Sohn, is that correct?

Ted C. Ziemer, Jr.: I don't think we made a firm recommendation. What we tried to do was point out pluses and minuses to all of them. Obviously, in one respect it's a plus that Tucker is going to charge a seven percent buyer's premium, however, it's not known what effect that would have on the saleability of these properties. F.C. Tucker was going to have three sales with \$2,500 advertising per auction. Sohn was going to have one sale for \$3,077 for advertising, and, of course, as I said, the two percent commission. We did check with Sohn, and they indicated that if there was a need for a subsequent sale they would hold it on the same terms. So, it's again, it's the Commissioner's decision.

President Nix: Commissioner Korb?

Commissioner Tornatta: Oh, I was trying to find out, did we ever, Debbie, did you find out anything about the increased advertising? Or was that going to be sufficient advertising it at \$3,000? You're giving me the blank look.

Debbie Spalding: Yeah, that blank look was I wasn't aware that I was supposed to be looking into that.

Ted C. Ziemer, Jr.: Turn yours off, I'll turn mine on. These things really work well. We did check with Sohn advertising, their break down is the Evansville Courier, \$877, American Classifieds, \$280, color post cards to be mailed out on the prospective properties, \$343, mailing, \$123, signs on various properties, \$1,453, an advertisement on the Sohn website, no charge. That's how they came up with their figure. We do not have a breakdown on how F.C. Tucker would spend their money, nor do I think we have a breakdown on how Dimmett would spend their money.

President Nix: I guess, the problem I have with Tucker's is that with an inflated, if somebody's going in knowing they're going to have to pay seven percent more than what the, I don't know if you would call it market value, or whatever that number would be, I just have a concern that that would hamper some people from purchasing these properties. So, I think Tucker, I just have a concern with that.

Commissioner Korb: And Sohn has got a great reputation in Evansville in terms of auctioning, that's basically their primary business, of whether, you know, it's articles of furniture or estates or whatever. So, unless there's further discussion, I would move that we accept Sohn as the auctioneer for these surplus properties.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<b>Permission to Advertise for Trending Services: County Assessor</b>
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President Nix: The next action item is permission to advertise the contract for annual adjustments and trending services. Ms. Debbie Spalding is here to speak to this. Or, excuse me, Jonathan Weaver. Debbie, you're getting named all over the place today here.

Jonathan Weaver: What's up, guys? Jonathan Weaver, Vanderburgh County Assessor.

Ted C. Ziemer, Jr.: Maybe, let me help Jonathan a little bit, if I may. Under the new trending guidelines, it's recommended by the DLGF that the various assessors in the state, in the 92 counties of the state, employ the services of certified appraisers, and there are certain requirements that they have to meet and so forth to assist them with trending services regarding with the various assessments. Last year a contract of that nature was entered into between the county and who?

Jonathan Weaver: Chuck Simons.

Ted C. Ziemer, Jr.: Right.

Jonathan Weaver: At A&S.

Ted C. Ziemer, Jr.: As it turned out, I think, you were very satisfied with the services provided. It was all done on a timely basis.

Jonathan Weaver: Right.

Ted C. Ziemer, Jr.: However, the Indiana statute, in this regard, provides that you must bid that contract annually, regardless of any satisfaction you had with anybody else. Simon can certainly bid again this time, as well as other people who perform those services. What, I did e-mail you earlier today is a copy of a generic form of contract, which we would, it's like last year's contract, taking the names of the parties and the prices out of it. It will form the basis for quotes to be received to perform these services for 2008. We believe that contract, and we've run it through DLGF, which is also a requirement, that they approve the contract. They have approved the contract that I developed on behalf of the Assessor. So, we recommend that the County authorize advertising for bids for these services, using as the specs for those bids the generic trending services agreement that I have prepared and sent you copies of.

President Nix: Mr. Weaver, do you have any other comments at all?

Jonathan Weaver: No, just asking for your permission to bid it out.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Jonathan Weaver: Thank you.

President Nix: Thank you.

<p><b>First and Final Reading of Ordinance CO.12-07-017: Property Tax Rebate Ordinance</b></p>
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President Nix: The next action item is first and final reading of ordinance CO.12-07-017. This is a property tax rebate ordinance. At this time I would like to ask for public comment. Seeing none.

Commissioner Tornatta: Motion to approve.

President Nix: I guess, we need to waive—

Ted C. Ziemer, Jr.: Yes. We've devised this, if there's no objection, to be done at one meeting. We need a unanimous vote to waive second reading of the ordinance, following which, if we obtain that, we need a unanimous vote to approve the ordinance on first reading.

Commissioner Tornatta: Motion to waive the second reading of CO.12-07-017.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And, I vote yes.

Commissioner Tornatta: Motion to approve the final reading of ordinance CO.12-07-017.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And, I vote yes. It passes.

Commissioner Korb: I'm sorry. I was having a senior moment there.

<p><b>First and Final Reading of Ordinance CO.12-07-018: Omnibus Correction Ordinance</b></p>
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President Nix: The next action item is first and final reading of ordinance CO.12-07-018. This is a correction ordinance. I would ask for public comment at this time. Seeing none. Mr. Ziemer, do you want to address this?

Ted C. Ziemer, Jr.: Only to say that I want to commend our Recording Secretary, Madelyn Grayson, for working so hard, very early in 2007 to put together a whole, I mean pages, of comments that she had regarding the various ordinances in the Code of Ordinance of Vanderburgh County with respect to misspellings, words in the wrong place, sentences that didn't end properly, and then in the case of the street ordinance, for example, many, many streets that were not included in the ordinance

that needed to be included. So, with that information we've gone through and prepared what we call an omnibus ordinance to correct all of the various ordinances in which defects were found. There were some on that vast list that we did not correct, because we need input from the various departments involved. We'll receive that later, we expect, and at that time we would prepare other amended ordinances.

Commissioner Tornatta: Motion to waive the second reading of CO.12-07-018.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: I vote yes.

Commissioner Tornatta: Motion to approve the final reading of ordinance CO.12-07-018.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. It passes.

<p><b>First and Final Reading of Ordinance CO.12-07-019: COBRA Benefits Continuation Amendment</b></p>
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President Nix: The next action item is first and final reading of ordinance CO.12-07-019. This is a benefits continuation. Mr. Ziemer?

Ted C. Ziemer, Jr.: The, as you know, when there is a so-called "qualifying event" regarding a county employee, one of which is the death of a county employee, they are entitled to maintain their health benefits under the COBRA medical premium plan. It is felt that it would be helpful to the employees of Vanderburgh County, at

a time of stress like that it's difficult for the family perhaps to know in the first month following the death exactly what they want to do or how even to understand this process. So, it was suggested that the county pay the first month's COBRA medical premium for employees of the county in the event of their death. Then, should they elect to continue COBRA, they, of course, would then assume medical premiums for the second and all subsequent months, following all the applicable laws and guidelines regarding COBRA. That's what this ordinance does. Oh, and, excuse me, it's effective November 1, 2007.

President Nix: Is there any public comment? Seeing none. I will entertain a motion.

Commissioner Tornatta: Motion to waive the second reading of the ordinance CO.12-07-019.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And I vote yes. It passes. Excuse me.

Commissioner Tornatta: Motion to approve the final reading of ordinance CO.12-07-019.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Roll call vote. Commissioner Tornatta?

Commissioner Tornatta: Yes.

President Nix: Commissioner Korb?

Commissioner Korb: Yes.

President Nix: And, I vote yes. It passes.

<b>Legal Aid Office Modification Request</b>
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President Nix: The next action item is Legal Aid office modification request. This was tabled from a meeting we had back in November. Mr. Dave Rector from the Building Authority is here today to address this.

Dave Rector: Good afternoon, gentlemen, Dave Rector, Building Authority. Believe it or not, I am looking at a new system that everybody can stay on at the same time. At the last meeting you mentioned—

Ted C. Ziemer, Jr.: If you did that, we might consider naming this room after you.

Dave Rector: Thank you very much, Counselor. You had requested that I determine the city's interest in participating in this modification for Legal Aid. Since that time I have, and the Mayor said that he would concur with whatever decision you all make regarding this matter.

President Nix: So, I guess, we're down to a vote to either—

Dave Rector: Yes, we are.

President Nix: —allow this or not to allow it. Commissioners, any questions?

Commissioner Korb: This is what we'd talked about before, wasn't it, Dave? On the first floor?

Dave Rector: Yes, it is, for Legal Aid, with them taking over the "old media room", and bringing her lobby, the front entrance out a little bit further.

President Nix: I'll entertain a motion.

Commissioner Korb: I so move.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you very much.

Dave Rector: Thank you, gentlemen.

President Nix: The quicker you get on these buttons the better.

Dave Rector: Just don't get the plaque ready yet.

President Nix: Okay.

**Health Department: Affiliation Agreement with State Univ. Of New York  
County Highway: Inter-local Agreement with City of Evansville (Paving)  
YMCA 2008 Agreement  
2008 Fehd Farm Land Lease Agreement  
County Recorder: Fidlar Software Agreement  
Lease Purchase Agreement with AT&T Capital Services for 911  
Addendum to Grant Agreement for Dental Clinic**

President Nix: The next action item is contracts, agreements and leases. Mr. Ziemer?

Ted C. Ziemer, Jr.: The first item is an affiliation agreement between the State University of New York for that university to send an intern to Evansville, Indiana or Vanderburgh County, Indiana to work with the Indiana Department of Health as an intern through, I think, June of 2008. The affiliation agreement spells out the provisions under which that student would come here. There's no cost to Vanderburgh County. All cost is underwritten by the State University of New York. It's satisfactory for execution from a legal perspective.

President Nix: I'll entertain a motion.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is an inter-local agreement between, actually it's between Vanderburgh County and the City of Evansville, if approved, to be executed by the Commissioners of Vanderburgh County, by the County Council of Vanderburgh County, by the City Council for the City of Evansville, by the Board of Works for the City of Evansville and by the Mayor. This agreement would provide for the County Garage to do paving of parking lots for three city fire houses. In return for that, the city would reimburse the county its costs for doing the paving with its employees, and in addition the city would reimburse the supplier of the asphalt and so forth the total cost of that. Mr. Duckworth, the Superintendent of County Highways has had figured into the charges not only the equipment, but also the time of the employees who will be working on this, their FICA charges and so forth. After, if this is approved by the county, it will then be forwarded to the city for other appropriate approvals. It is satisfactory for execution from a legal perspective.

President Nix: Comments, Mr. Duckworth?

Mike Duckworth: I just, and this has taken a lot of work between the city fire department and myself in trying to get through all the entities as Ted indicated. All the funding bodies, including the Safety Board and the Works Board and our County Council and now, of course, you. I would just say that for this, the money that we're being reimbursed, the \$18,750, we have asked the County Council to hold that money so we could turn around and do our 24 miles of curb road street sweeping



in exchange for that. So, it's kind of a win-win situation. They get some paving at a lesser cost. We get, eventually the dollars to do our street sweeping. It helps us be more efficient and spread some of our expertise and use of our equipment into the city. So, that's our request at this time.

President Nix: And this was monies that was before taken out of Solid Waste, and now we're not doing that anymore?

Mike Duckworth: That's right.

President Nix: It's just a trade off.

Mike Duckworth: That's exactly right.

Commissioner Tornatta: I would, I just saw Councilwoman Leader. We would like to thank her for coming to our meeting. I didn't know if, has there been anything from the County Council that would, Mike, if you could just come up to the podium please?

Madelyn Grayson: May we make a quick tape change?

**(Tape change)**

Donna Leader: Good afternoon, everyone, Donna Leader, County Council.

President Nix: You didn't know you were going to get called on this evening, did you?

Donna Leader: I didn't. Thanks a lot.

Ted C. Ziemer, Jr.: You sure look nice today.

Donna Leader: Thank you. I've been at a Christmas party. That isn't, Mike, it's me. Thank you, I'm celebrating Christmas. Mr. Duckworth just shared with me the same document that you have. At our request, from our Council meeting a couple of weeks ago, and we discussed this at length at our meeting. Obviously, cooperation between the city and the county is critical, and I personally, I can only speak for myself, because we'll see this, we'll address this tomorrow morning, but I feel like it's an equitable agreement. We just had asked for details, because we felt that it was a business proposition, and we wished to see hour for hour trade off against trade off. I feel it's equitable. I will vote for it. Are there any other questions? Thank you.

President Nix: Thanks.

Commissioner Tornatta: I would like to make a motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Mike Duckworth: Thank you.

President Nix: Mr. Ziemer?

Ted C. Ziemer, Jr.: The next agreement is an agreement between the county and the YMCA for subsidizing of memberships of county employees with the YMCA. The agreement is identical to last year's except that the YMCA charges for each category of membership have gone up two dollars per membership. However, the county's subsidy continues to remain \$11 per month per membership. This is satisfactory for execution.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: For some years the county has been leasing farm property from Wayne Fehd for use, I think, by the Sheriff. I'm not exactly sure what it is used for.

President Nix: That's the training center.

Ted C. Ziemer, Jr.: Okay, for the training center. The lease is \$350 a year, and Mr. Fehd has the right to the crops there, and he maintains insurance naming the county. It's been felt that the lease should be for one year terms, since nobody really knows from now until December, for example, of 2008 whether there may be some other purpose for this land, and maybe it won't be available for leasing. So, it doesn't hurt anything, I think, to do it on an annual basis. It also gives the county the right to change the rental terms, should they decide to do that for some future year.

President Nix: I'll entertain a motion.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is software agreement for the Vanderburgh County Recorder. This agreement was actually entered into on June 27, 2007, and inadvertently, it was not forwarded at that time to the Commissioners for approval and execution. The, we've had an opportunity in our office to review the agreement. We had a couple of minor changes we wanted to suggest. We did suggest those to Mrs. Smith, who was able to work wonders with the Fidler Company, and they immediately agreed to the items that we requested. The document does require signatures on various pages, which I have explained in the e-mail, and they are

probably properly marked, should you determine to approve this. The County Recorder, Betty Knight-Smith, and her Chief Deputy, Rick Davis, are here should you have any questions.

Betty Knight-Smith: Actually, I didn't know that we needed to take it to the County Commissioners, because it had never been done. It wasn't done before me.

Ted C. Ziemer, Jr.: Right.

Betty Knight-Smith: It wasn't that we were trying to keep it away from 'ya, but I called the State Board of Accounts, and they said that it would be good if they would sign it. It's one of the best programs, matter of fact, Fidlar picked up 13 new counties after June. So, is there any questions?

Commissioner Korb: My understanding is that this doesn't cost us anything? You're paying for this out of your own department, is that correct?

Betty Knight-Smith: Yes. Yes.

Commissioner Korb: So, nothing's changed from day one when the county, and it was way before your time, obviously, executed an agreement with this company?

Betty Knight-Smith: It's always been.

Commissioner Korb: So, all you're asking for is signatures?

Betty Knight-Smith: Uh-huh.

Commissioner Korb: Okay.

President Nix: In your budget, when you go to Council every year, you budget for this software then, as part of your budget?

Betty Knight-Smith: No, sir. We are the only department, or only office in Vanderburgh County in the State of Indiana that is self supporting. The money that we receive is for copies that we sell. When I came in, my predecessor took in \$37,000 for a year. The next year I took in \$47,000. I watched what was going on, we were buying too much paper, and I put counters on everything, with the help of Fidlar. They worked it out with me, and the next year we took in \$194,000. Right now I have over a million dollars in my Perpetuation account. When I came in we had \$300,000. So, I'm really proud of the work we've done, and I don't think it's ever been done before. So, the county needed some money, so, I just got this today, I gave them \$182,000 to go in for the 2008 budget. The way we could do that, because actually we are not supposed to spend it for anything other than for our office. So, what I did, is I paid for their social security, paid for their PERF, and paid for their insurance. That freed up money that they've always done. Any questions?

President Nix: Betty, do you think you could have a training course and get the rest of the department heads on this same track?

Betty Knight-Smith: Well, one of the things about it, I get here at 6:00 in the morning, and I'm a firm believer that you're supposed to be on time. So, I go to the Post Office, get the mail, open it and lay it on their desks, and I'm there. So, I think we run a good office and it's the first time we've ever earned that kind of money.

Commissioner Korb: The more immediate need we have is a Coroner's truck. How about helping us out with that? I would move that we sign this document.

Betty Knight-Smith: Thank you.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you, Betty.

Betty Knight-Smith: Thank you.

President Nix: Appreciate your work.

Commissioner Korb: Think about that truck for the Coroner's office now. Any color you want, we don't care.

Ted C. Ziemer, Jr.: The next agreement is a lease-purchase, various documents in connection with the lease-purchase of the 911 service from AT&T for Central Dispatch. You will recall that, and I have e-mailed you extensively regarding this, but I want to summarize very quickly. In October of this year, at your regular meeting, you did approve the acquisition of the 911 services for Central Dispatch for a ten year period at a total of \$2,289,175, payable in 40 installments of \$77,053.63 each. Subsequent to that, AT&T Capital, which is the financing arm of AT&T sent us documents to formalize the lease-purchase arrangement, under which we are leasing the 911 service for the ten year period for four quarterly, or, I mean, 40 quarterly installment rental payments of \$77,053.63. There were various documents which we have reviewed carefully. We've recommended various changes in the documents, all of which were made by AT&T Capital. We believe, at this point, the documents are satisfactory for execution from a legal perspective.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Ted C. Ziemer, Jr.: The last agreement, that might not be the last, yeah, the last agreement I have today is an addendum to the grant agreement for the dental clinic. We have had a grant agreement, under the terms of which St. Mary's Hospital and Deaconess Hospital each very generously made grants of \$240,000 each to the dental clinic. Those grants expire December 31, 2007. New grant arrangements have been made with those two hospitals. Now they are reduced to \$35,000 each for the year 2008, and the obvious reason for the decrease is that the initial payments were for start up and getting the project going. It's now operating in full swing, and I think very successfully, and the hospital grants have now been reduced to \$35,000 each. The project continues to receive \$80,000 worth of funding from

County Council for calendar year 2008. There were other minor changes in the agreement which we've made and recommend, and it is satisfactory for execution from a legal perspective.

Commissioner Korb: So, the 205, the \$205,000, Ted, was for start up costs?

Ted C. Ziemer, Jr.: Yes, plus operations during the first two years. Now, we're in the third year, and great.

Commissioner Korb: Okay, thanks. Move to accept.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

<b>County Attorney</b>
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Ted C. Ziemer, Jr.: I have one more item that's not on the agenda, if I may? On September 18, 2007 the Commissioners approved, on first reading, an ordinance providing for traffic signage in subdivisions. After that first reading we were instructed to meet with members of the Evansville Homebuilder's Association, the Area Plan Commission, the County Engineer's office, and work out some concerns that we had on the parts of various parties with the form of that ordinance. Those meetings have taken place, and I think maybe the last meeting was last Friday or sometime very recently, and as of that meeting, the, it's believed that resolution has been reached. However, that was not done in time to have a revised ordinance present here today. So, what we're recommending is this, if the Commissioners do nothing today, under the planning ordinance the original form of the ordinance that was read on first reading would become law. We don't want that to happen, because the parties all agree that there are changes they want to see made in that. So, we're recommending that the Commissioners refer this ordinance back to the Area Plan Commission for further consideration, following which the final form of that ordinance will be drafted for me to review as County Attorney, and, hopefully, to bring back for final approval. Blaine Oliver is here from the Plan Commission, I see Bill Pedtke is here, John Stoll is here should you have any questions about this.

Blaine Oliver: I couldn't have said it better myself, Counselor.

Ted C. Ziemer, Jr.: Oh, you probably could have.

President Nix: You're a lot cheaper than he is, though.

Blaine Oliver: This is true.

Commissioner Tornatta: No offense.

President Nix: Hopefully, none taken.

Commissioner Korb: Commissioners, Bill, how do you feel about this?

Bill Pedtke: Good afternoon, Bill Pedtke with the Builder's Association. I want to thank the Commissioners. I think this is the right thing to do to refile this, and we're moving forward with our discussions. I think we're really close to having something that protects the developers interests, the homeowners interests, and the county's interests altogether. We just need a little bit more time. I think this action today would get us that.

Commissioner Korb: Great. So moved.

Blaine Oliver: That's our recommendation. I just e-mailed Bill a new copy, or a new draft of the amendment. So, we're getting close, I think, and give us a little bit more time and we'll take this back to Area Plan Commission in January, and, hopefully bring it back to you after that.

Commissioner Korb: Great.

Commissioner Tornatta: Okay, a motion's on the floor, but I would just like to say aside from this, I think that it would be important for this Commission to have any other issues that are coming before the Homebuilder's Association submitted to us. If those are in a, if you can submit them in some type of written form, if issues are coming up that you foresee. We would get a chance to look at them and get back to you and do some of this same dialogue and try and address these issues as we have. I think it's been good dialogue. From what I've heard, a lot of good stuff's come out, and the back and forth has been very healthy. So, if that's okay, take it back to your board that we would like to welcome any of those comments brought back to us.

Bill Pedtke: We appreciate that.

Commissioner Tornatta: And, I'll second.

President Nix: Okay, a motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. I will say, I met with the homebuilders, what, a couple of months ago? John and I, John Stoll and I went out and sat down and they've got a lot of issues that they would like to bring in front of us. So, I think we could probably, we want to pick the ones, I guess, prioritize those instead of just the whole laundry list, because—

Bill Pedtke: Roll with it.

President Nix: Okay. Thank you. Mr. Ziemer, do you have anything else?

Ted C. Ziemer, Jr.: No.

President Nix: Thank you very much.

Ted C. Ziemer, Jr.: You're welcome.

**Discussion of the Green River Road Project**

President Nix: The next action item is the discussion of the Green River Road project. Mr. Stoll, do you want to step forward? Or, I didn't know if you had any comments on this. Maybe we can have some discussion on it then.

John Stoll: As a result of the concerns about closing the road, you had asked us to take a look at the alternatives on trying to keep the road open. In conjunction with that, we've had DLZ, who's doing the design between Lynch and Heckel, and then Bernardin Lochmueller and Associates, who's doing the design between Heckel and Millersburg, do some cost evaluations. DLZ's was a little more complex because they had the Pigeon Creek bridge to deal with. They basically came up with four alternatives to keep the road open that varied in cost from \$2.8 million to \$5.2 million. The lowest cost of those was the one we are currently looking at and evaluating. It basically consists of constructing an entirely new temporary road parallel to and east of Green River Road, and also a temporary bridge across Pigeon Creek that would allow the road to remain open to traffic. That would then tie into the section Bernardin Lochmueller and Associates is designing, which they feel can be done with some widening, as opposed to construction of an entirely new roadway. Like I said, DLZ's section was estimated to be about \$2.8 million in cost, the Bernardin Lochmueller section was approximately a million fifty thousand in cost. Then there's also a third project that Clark Dietz has been working on, which is the Green River-Millersburg intersection. I don't have a specific cost estimate as far as construction costs associated with that staying open, but all things totaled, you could pretty much be assured we're in the four million dollar range to keep the road open to traffic. In conjunction with that too, the consultants did some estimates of user costs associated with using the detour, and there's a lot of assumptions they have to make to try and come up with a number, but their most recent estimate was in the neighborhood of \$11 million in user costs. In user costs I mean travel time and the, travel time and travel distance associated with using the signed detour. The assumptions that they would have to make to split it all up were; how much traffic would assume to go to Oak Hill Road, even though we wouldn't sign that as a detour route, and then how much of the traffic would use the originally anticipated detour which would have been 164. So, they made some assumptions splitting the traffic and things like that, but their last estimate was in the neighborhood of \$11 million. So, all things considered, their user costs was \$11 million, but the county's detour costs to build the temporary roads necessary to keep the road open to traffic were four million. So, user costs were exceeding the county's construction costs. So, once we had those numbers, then the County Attorney was working with the bond attorneys and accountants to determine where we could actually get that money and not have to worry about delaying or eliminating other projects. In conjunction with that, Ted can elaborate on this, because I'm not familiar with all the language, but, basically, it was a bond anticipation note where we could get additional money borrowed now that would fund these extra costs, if you chose to pursue that route.

President Nix: Okay, thank you, Mr. Stoll. Mr. Ziemer, do you want to add anything to that?

Ted C. Ziemer, Jr.: No, I don't think so. I mean, John's covered it very well. We could talk at some length about bond anticipation notes versus additional bonds. I think what we will finally recommend will be perhaps a mixture of bond anticipation note and some minimal additional bond issue, so that we have some flexibility. But, we're

satisfied that given the TIF revenues available we should be able to have more than the estimated costs of leaving Green River Road open during the construction.

President Nix: Okay, and, I guess, just to, you know, we've been looking at this project the last couple of years now, probably two, longer than this, but the Commissioners, I guess, just trying to put a pencil to this thing. Early on when we discussed this it didn't look like there was going to be funding available to keep it open. There's some pretty big hurdles to get around when you start talking about temporary bridges and temporary roads, and then the elevation change between the new road, which is considerably lower than the, excuse me, the old road which is considerably lower than the new road. So, I guess, that all said, with Mr. Ziemer and Mr. Stoll's work in this, I've always said that if we if had the money, we didn't feel early on that we would have the money to do it. So, my concern was that we needed to get this road done, but I didn't want to sacrifice any other projects in the county to do that. I know we've talked about Baseline Road, the Baseline Road bridge and a couple of other projects, I was not comfortable at all sacrificing anything else to do that, but if we feel comfortable that we can move forward with this thing, and, in fact, build this thing and keep it open, and still do these other projects in the county. I think that's something that's very, very important that we do. Now, I don't know if we're, I guess, we're close to some kind of agreement with DLZ and Bernardin as far as whether we want to pull the trigger on this thing and make it happen, is that correct?

John Stoll: I've received a draft agreement, supplemental agreement from DLZ, and I've received one from Clark Dietz. Bernardin Lochmueller hasn't finalized theirs as of yet, but all three supplemental agreements, to make all these design changes will probably be in the neighborhood of \$300,000 to \$400,000. The vast majority of that deals with the temporary road and temporary bridge, that's the highest cost items associated with this. I don't have agreements here in hand ready for you to sign today, but I could have those by next week's meeting it looks like.

Commissioner Korb: So, your recommendation is to do it?

John Stoll: If the money's there, the one big unknown that's always been on my side was the funding. Basically, without this extra money that the bond attorneys and accountants have come up with, we were right at the maximum that was available in the previous bond issue from June of '06. So, there wasn't any money to play with postponing or eliminating other projects. In doing this evaluation, I took the estimates the consultants had provided from, some of them date back to December of last year, and I got estimates in January of last year and March of last year. I marked all of those up ten percent to try and anticipate the construction cost increases that we all keep seeing, and then added in the detour costs. Those were the numbers that I gave to Ted. So, here again, we're kind of betting everything on the fact that these estimates are accurate, even adding the contingencies on top of it. So, if the actual estimates come in higher, once the consultants get their final designs done and have actual quantities on everything, we could see some higher costs, but it sounds like there should be some cushion in the monies that they can borrow ahead on. So, it sounds like it should work.

Commissioner Korb: How far back has this pushed the project start up date?

John Stoll: I would say from spring of next to year, to probably around fall of next year. In DLZ's preliminary contract they had a date of October would be when the plans would be ready for bidding. I'm checking with them to see if we can maybe



back that up a little bit so we don't lose all of 2008 construction. I don't have a response as of yet, but I just sent them some comments yesterday.

Ted C. Ziemer, Jr.: It was originally June that they were projecting, weren't they?

John Stoll: They were projecting the final plans would be done and in the county's hands in June. Then, all the construction documents and bid documents would be ready by October.

President Nix: John, I'm just curious, the Green River Road-Morgan Avenue, of course, the city, state and the county have all got some participation in that, does that still look to go next year? Do you know that for right now?

John Stoll: As far as I know. They were, INDOT was requesting the county sign an agreement for the \$500,000 the county agreed to participate in that project. The form of their agreement wasn't really very relevant to the fact the county was just writing them a check, and that was it. There was all kinds of language in there that I thought was unnecessary, and so did Ted. So, right now, we don't have that agreement finalized, but it's my understanding that they still want to try and pursue that project in the spring, summer of next year.

President Nix: Okay, so that, if in fact this was pushed back a little bit, that might help that whole situation out when you're looking at Green River as a whole, possibly?

John Stoll: Right. Given the fact that a temporary road would have to built, and a temporary bridge, I would say traffic would still be running on Green River as it stands right now through some time in '09, until all the temporary widening was done. From the county's side of things, the benefit we would see is it would give us the opportunity to get the Oak Hill and Bergdolt project done prior to that. I know we've all received plenty of comments about the need for getting that traffic signal out there.

President Nix: The other draw back of putting in, leaving it open is it will extend the overall construction schedule somewhat, because all the work has to be done, put the roads in, take them out, and the routing and all that. So, I mean, we're looking at a longer project to do. It's going to be more inconvenience, but at the same time, if it's successful, that would be less inconvenience.

Commissioner Tornatta: Yeah, I would just like to thank, John, you and your staff for thinking outside the box and kind of working with this Commission to address some of these issues. And, of course, Ted Ziemer was pretty instrumental in talking to the bond people and getting some of that information, because, obviously, the challenge was to prove where the money was. We were able to chase that money down and get the project done, which, in my opinion, what we need to show Vanderburgh County is it's going to stay open. We're doing it a little bit bigger than what we've done in the past. We're going and we're taking care of projects head on. We're doing like other cities and communities, keeping roads open and working construction at the same time that we can keep roads open. So, my hats off to you and all the staff for just putting in the time to make sure that, hopefully, we present a nice present to those people on the north side to make sure that Green River stays open.

John Stoll: Thanks.

Commissioner Tornatta: Thank you.

President Nix: So, I guess, the question is now, do we want to approve this contingent on you getting this ready? Or, do we want to wait till next week to actually put the—

Commissioner Tornatta: I would probably wait until we had the issuance from all three, is that correct?

Ted C. Ziemer, Jr.: Yes, I think you're giving John direction to pursue development of contracts to leave Green River Road open during construction. That's what he's going to bring you next week.

John Stoll: Like I said, we've gotten the drafts from Clark Dietz and from DLZ. Ted's had some comments and so have I regarding both of those. Bernardin Lochmueller's should be submitted soon, because I've been trading e-mails with them. So, I'm sure theirs is getting prepared as we speak. So, it shouldn't be a problem to have those next week.

Commissioner Tornatta: I would like to make a motion to direct our County Engineer to collect all the preliminary agreements, and, what's—

John Stoll: Supplemental agreements.

Commissioner Tornatta: Supplemental agreements, and have them for us on the 18<sup>th</sup>.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you, John. I know you've got a laundry list of things that we need to address here today.

John Stoll: Do you want to do those now? I will go ahead with those.

<b>County Engineer</b>
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John Stoll: First, I've got a street acceptance request for Bohannon Estates Subdivision. This is 1,385 linear feet of Bohannon Drive, and 491 feet of Bohannon Court. These are the two streets that were reconstructed in the recent Barrett Law project. We've done a final inspection and had a very small punch list, so, I'm requesting acceptance of those streets. Next, then we can start pursuing the final hearings and get the bond issue process started.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: John, you'll get with me and give me the final construction costs, so we can start that?

John Stoll: Right.

Ted C. Ziemer, Jr.: Good.

John Stoll: Yeah, I've requested all that information from the contractor. So, it's in the works. Also, in regard with Bohannon Estates, I'm requesting that the county accept 176 linear feet of 12 inch concrete pipe. This one run of pipe was located outside the county right-of-way, and since it was installed in the county's contract, it's requested that we put that in our inventory of accepted pipes.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I've got a street acceptance request for streets constructed in Liberty Estates Subdivision. Actually these streets are outside the boundaries of Liberty Estates, but they were constructed in conjunction with Liberty Estates. The two streets are 340 linear feet of Kenmore Drive, and 320 linear feet Iroquois Drive.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

John Stoll: The next item is a revised right-of-way offer on the Green River Road project. This is parcel 31, it's owned by Janet Barfield and Sharon Kirby. The offer amount is \$29,800. That total is actually unchanged from the previous offer amount. It just is redistributed on the permanent temporary. Basically, there were some errors on how it was allocated, but I request approval of this amended offer.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

John Stoll: Then, next, I have some right-of-way certification letters that will have to be submitted in conjunction with the Oak Hill and Bergdolt project. These letters will be submitted to INDOT once we get all the final right-of-way issues resolved. Basically, all of the right-of-way has been secured, we're just waiting for some paperwork from some mortgage companies. So, I would request your approval on these certification letters.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I would like to request that the county increase the offer amount on parcel 25 on the Green River Road project. This is owned by Jeffrey Head. The requested increase is \$100, and that would make the total offer amount \$1,600.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thanks.

John Stoll: Next, I have street acceptance requests for Centerra Ridge Subdivision, Section One. This is 172 feet of Barlow Court, 274 feet of Tavalon Drive, 304 feet of Vierling Drive, 399 feet of Takara Drive, 902 feet of Lanyard Drive, and 445 feet of Pomona Drive.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Next, I have a request to make a change on a University Parkway right-of-way offer. This is parcel 12. It's owned by Keith Singer. We received a request from Mr. Singer's attorney to increase the offer amount from \$950 to \$3,000. This was on the verge of going to condemnation. So, these costs, this increase would

actually be less than what we would spend to take it to court. So, I would request approval of this amended offer.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: Then, last, I've got another amended right-of-way purchase offer. This is on parcel 38. It's owned by Schnepfer, and the offer amount is \$27,100. This splits out the anticipated environmental mitigation property from the road right-of-way. It's Bernardin Lochmueller's understanding that the property owner wants to cooperate with the sale of the mitigation ground, because it's between Pigeon Creek and Green River Road. So, it's farm ground that won't be very accessible once the project is constructed. However, they wanted to separate the road right-of-way out separately. So, this is just the mitigation ground.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

John Stoll: One other comment regarding the proposal to keep Green River open, there will be a couple of parcels that will have to have some additional right-of-way acquired from them due to the fact that the new temporary road would be pushed to the east of the existing road. It looks like Schnepfer's could be one of them. We don't have final plans, obviously, as of yet, but there are a couple of parcels that would be affected that way—

Ted C. Ziemer, Jr.: John, since the alternate will be removed after the other road is open, would those be temporary easements? Or, how would we do that?

John Stoll: They should be. Once we get final plans I'll know for sure, but they should be. The only thing would be whether or not any embankment for the new road would somehow be incorporated into the temporary road.

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

John Stoll: Sure. That's all I've got.

Commissioner Tornatta: Thanks.

John Stoll: Thanks.

Commissioner Korb: You did good, John.

President Nix: Thank you, John.

<b>Discussion of Meeting Dates and Times for 2008</b>
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President Nix: The next action item is, we're going to have some discussion here on the meeting dates for 2008. Commissioners?

Commissioner Korb: Is this where we play rock, paper, scissors?

Commissioner Tornatta: Do we still look at Tuesday?

President Nix: Does that work?

Commissioner Tornatta: Or, did we discuss, are there any issues with Tuesday? Just in a—

President Nix: From a housekeeping standpoint?

Commissioner Korb: Tuesday is good for me.

Commissioner Tornatta: Okay, when is the first, oh, I'm sorry, I think what we're talking about is not just Tuesdays, but which Tuesdays.

President Nix: Yeah, right. I mean, right now we're having them the second and third Tuesday of each month.

Commissioner Tornatta: Right. I guess, what I was wondering is, do we want to have it coordinating, I think we talked about this, with the County Council meetings? Before and after.

President Nix: When does Council meet?

Commissioner Tornatta: Right now they meet the first and last Wednesdays of each month.

President Nix: So, if we meet the second and third we would between them, I guess.

Commissioner Korb: Has this not worked out well? I mean, it seems to me that it has, the second and third Tuesday meeting?

Commissioner Tornatta: Well, we just kind of, just came about to that (Inaudible).

President Nix: It worked because there are some holidays, a lot of holidays fall on the—

Commissioner Tornatta: The first Tuesday.

President Nix: —the first Tuesday, yeah, well, Monday or Tuesday, that was last year, but, I guess—

Commissioner Tornatta: Is it, I was, and just thinking out loud here, if you do the second and the fourth, then you don't have three weeks in between meetings. I think that was the one concern. If you go the second and the fourth, if you go the second and the third, you'll have three weeks before the next meeting. Is that correct?

President Nix: In some weeks.

Marissa Nichoalds: Rezoning is on the third Tuesday.

President Nix: Rezoning is the third Tuesday? So, to do that we could do, and that's always the third Tuesday? If there are rezonings.

Marissa Nichoalds: Yes.

President Nix: Is that correct?

Marissa Nichoalds: Yes.

President Nix: So, if we did the third and first, that would catch rezoning then everytime. How would that work?

Commissioner Tornatta: Let me look here. That would be in between Council meetings as well.

Madelyn Grayson: January 1<sup>st</sup> does fall on the first Tuesday of January, which we won't be here.

Commissioner Tornatta: Which would put you till the 15<sup>th</sup> before you would have a meeting in January.

President Nix: Right, and I don't know that we want to wait that long. Maybe we could do one meeting in January, and then get on that cycle then?

Commissioner Tornatta: Yeah, January is probably a light month.

President Nix: Yeah, I was going to say there's not a heck of a lot going on, but, I guess, the concern I have is that we're going to have a pretty good lull between the 18<sup>th</sup> and, if we waited until the third Tuesday, we're looking at the 16<sup>th</sup>.

Commissioner Tornatta: Well, you know, we could go in January—

President Nix: Excuse me, it's the 15<sup>th</sup>.

Commissioner Tornatta: —because there's five weeks, we could go the second and the fourth in January and get back on schedule in February. The second and fourth Tuesdays, which would be the 8<sup>th</sup> and the 22<sup>nd</sup>.

President Nix: Is there rezonings on the—

Commissioner Tornatta: 15<sup>th</sup>?

Madelyn Grayson: Yeah, rezoning is on the 15<sup>th</sup>.

Commissioner Tornatta: Okay.

Commissioner Korb: Our concern there is what? Conflict of time?

President Nix: Well, rezonings always follow Commission meetings, I mean, that's just part of the Commissioner meeting.

Madelyn Grayson: They're notified by certified mail, all of those people.

President Nix: Right, and that's something that's planned way out ahead of time. I'm sure they're set for, I guess, they're set from now on out. Yeah, three months out. We could look at three meetings in January, and then get on cycle in February?

Commissioner Korb: And, the cycle is, second and fourth?

Commissioner Tornatta: Three meetings, okay, so, you're saying the 8<sup>th</sup>, 15<sup>th</sup> and the 29<sup>th</sup>? If you want to do that. We're kind of going off schedule anyway. I guess, I'm looking at the 8<sup>th</sup>, 15<sup>th</sup> and 29<sup>th</sup>, if you want to do three in January.

President Nix: Well, either that, or two. We do the 8<sup>th</sup> and the 22<sup>nd</sup>.

Commissioner Tornatta: No, you've got to do the 15<sup>th</sup>, because that's rezoning.

President Nix: Oh, that is right. We could do three in that month, and then get on the cycle.

Commissioner Tornatta: The 8<sup>th</sup>, 15<sup>th</sup> and, okay, let's go down to—

President Nix: Let's look at February then. If we did the—

Commissioner Tornatta: First and third?

President Nix: —first and third.

Commissioner Tornatta: Is that right? That works.

Marissa Nichoalds: Solid Waste.

President Nix: Well, and that's what we discussed in the Solid Waste meeting today, they would move theirs accordingly, if it worked out with everyone else, so we can address that then. So, the first and third would be February the 5<sup>th</sup> and the 19<sup>th</sup>.

Commissioner Tornatta: I guess, the only one that you would really have to worry about would be the 4<sup>th</sup> of November, or is that, when is election day? It would be the first Tuesday, correct?

Ted C. Ziemer, Jr.: The first Tuesday after the first Monday is how it falls.

Commissioner Tornatta: So, it would be the 11<sup>th</sup>.

President Nix: Yeah.

Madelyn Grayson: I have it down as Tuesday, November 4<sup>th</sup>.

President Nix: It would be the 4<sup>th</sup>, because there is a Monday, yeah.



Commissioner Tornatta: Okay, I'm sorry. So, in that, could we schedule the 11<sup>th</sup> and the 25<sup>th</sup>, or maybe the 11<sup>th</sup> and the 18<sup>th</sup>.

President Nix: Are you writing all this down? We just need to make sure that we've got them all established. Then, we need to—

Ted C. Ziemer, Jr.: We want, generally, in fact, we're required to set a meeting schedule for the year, and I would, have always in the past drafted an ordinance, which sets out the schedule.

President Nix: Right.

Ted C. Ziemer, Jr.: That doesn't mean you can't cancel meetings. It doesn't mean you can't have special meetings. But, at least there is a schedule of what you want. So, whatever you decide.

President Nix: Let's look at that. That's fine. Is that okay with you?

Commissioner Korb: The first and third Tuesday of each month?

President Nix: Except January.

Commissioner Korb: Yeah, that's good.

Commissioner Tornatta: And November.

Commissioner Korb: Meeting time?

Ted C. Ziemer, Jr.: And, what would be the changes in November? Do you have that?

Commissioner Tornatta: Okay, January would be the 8<sup>th</sup>, 15<sup>th</sup> and 29<sup>th</sup>. November—

Ted C. Ziemer, Jr.: Excuse me.

Commissioner Tornatta: November would be the 11<sup>th</sup> and 18<sup>th</sup>.

President Nix: The second and third.

Marissa Nichoalds: Would May be affected also?

Ted C. Ziemer, Jr.: Sure, same thing.

Commissioner Tornatta: Okay, May would be the 13<sup>th</sup> and 20<sup>th</sup>. Okay, and now time?

President Nix: Commissioners?

<b>New Business</b>
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Commissioner Tornatta: I would like to bring up a little new business. We talked with USI in their entrepreneurs course, and they also have some marketing techniques and have students that have graduated, taken graduate courses that are essentially

looking for projects, and then we, they are undergraduates that are looking for projects, and talked to the professor over there, Les Nunn, and he said that he would like to take on the County Courthouse as potentially one of their projects. So, at that time he would direct his students to look into some issues, to start doing some research, and to come up with some alternatives to maybe what we do, and to try and facilitate what we do, and then try and come up with some new ideas on what we might not be doing over there. So, it's an opportunity for the county to reach out to USI, which has been a great corporate citizen and educational facility and work with the county to try and address some issues that, I think, we see as real life issues. So, this has come about in the past week, and I think that, I'll keep you updated on that, but it is an opportunity.

President Nix: And, that's something we could do, work with the Old Courthouse Foundation as far as future planning and that. It would be nice if they could attend, I don't know when we have our next scheduled meeting. Do you know, Marissa?

Marissa Nichoalds: I think it's the 19<sup>th</sup>.

President Nix: The 19<sup>th</sup>? Okay, maybe we could, I don't know if it's too early to do that, but we might want to look at having a couple of their people there. They could—

Commissioner Tornatta: This class would not commence until after the first of the year.

President Nix: Okay, so we could look at the next meeting then.

Commissioner Tornatta: It's a second semester type of situation. Then they would get started.

President Nix: Okay.

<b>Resume Discussion of 2008 Meeting Dates and Times</b>
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President Nix: Okay, we've established the times, and then we'll have that in an ordinance. Now, that will be our first meeting in January, is that correct? When that will be read? Okay, and we've established our first meeting—

Ted C. Ziemer, Jr.: We can do that ordinance next week for 2008, if we have all the details.

Commissioner Korb: Okay, we're meeting when?

President Nix: Well, we haven't established the time yet.

Commissioner Korb: We picked the dates?

President Nix: You left.

Commissioner Korb: I know, but you said we've established the time, and to me the time is starting time, not date.

President Nix: Okay, now, we need to talk about time.

Commissioner Korb: Okay.

Madelyn Grayson: Can we change the tape real quick?

**(Tape change)**

Madelyn Grayson: Okay, thank you.

President Nix: Gentlemen?

Commissioner Tornatta: I would really like it to be 5:30, but I am open for suggestions.

Commissioner Korb: My only concern, I can do 5:30, my only concern is we're asking employees to work extra. I mean, typically—

President Nix: Well, they basically would get comp time for what they work over and above, if they are.

Commissioner Tornatta: In the past, how it's worked, and this has been probably four and up through ten years ago, I know that if an individual knew that they were coming to the Commissioner meeting or what have you, they might not show up to work until 10:00, anticipate that amount of time, and then they go ahead and come to the meeting. So, that's been handled kind of in-house. If they want to do that. We deal more with the public, and I think it is good if we can allow the public to be at our meetings, if they so choose to do that, even though we've got access points on the internet and television. I think it offers some opportunities.

President Nix: I think this has really risen from the fact that all three of us have day jobs. It really plays more into letting us be here later in the afternoon.

Ted C. Ziemer, Jr.: Have you given any consideration to the department head meeting, when would you do that?

President Nix: What we would probably do is have it at 4:30, if we did this at 5:00 or 5:30, we would have a 4:30 or a 4:00 department head, maybe 4:30, something like that. We can discuss that after the fact, I guess. But, I would like to see it at 5:00. I think that's somewhat of a compromise. It's not, it's a little later in the evening, but it's still, it's not too where, it's, hopefully, these typically don't last more than an hour, an hour and 15 minutes or so. Sometimes they can get a little long winded, especially when Mr. Jeffers is here. Are we ready to take a vote on that?

Commissioner Tornatta: I don't know if we're taking a vote. We're just sending—

Ted C. Ziemer, Jr.: Actually, you're not. I don't think we are. You're just making a recommendation. I'll have an ordinance prepared for next week, but we would like to understand what your intention is.

Commissioner Tornatta: I'm okay with 5:00.

Ted C. Ziemer, Jr.: Okay, so, it will be 5:00. The department head meeting at 4:30. We'll go ahead and provide for that in the same, or 4:00 it will be 4:00, because you want it an hour prior to the meeting. Then, we'll use the dates you've given Marissa.

President Nix: Let me ask you this, do we have to establish the department head meetings as part of this ordinance?

Commissioner Tornatta: Yes.

Ted C. Ziemer, Jr.: You would not have to, but you do have to set them. You would have to give notice every week.

President Nix: Well, we notice the media every week anyway.

Commissioner Tornatta: We're going to have Solid Waste at 4:00, but at 4:15, because those meetings don't last but 15 minutes. We could have a 4:15 department head meeting and then we would be covered.

Commissioner Korb: I would think so. If we start on time. That's great. Great compromise.

President Nix: Because typically Solid Waste, and there's only one of those a month, so, that's not a—

Madelyn Grayson: The only other concern is that Area Plan Commission will have to be notified to change, to send out notices that the meeting time has changed from 3:30 to 5:00 for January's rezoning meeting. See, because they've already been noticed.

Ted C. Ziemer, Jr.: And, if they have already given notice of that meeting, we're going to have to hold it at the time they gave the notice.

Madelyn Grayson: That's going to mean your January 15<sup>th</sup> meeting will have to be at 3:30.

Commissioner Tornatta: That's fine.

Commissioner Korb: That's cool. Sure, no big deal.

Commissioner Tornatta: Okay, so, we've given direction.

President Nix: Mr. Ziemer?

Ted C. Ziemer, Jr.: What?

President Nix: Do you have all that then? Marissa you can get—

Ted C. Ziemer, Jr.: I don't have any of it. I believe Marissa has it.

President Nix: She's got it.

Commissioner Tornatta: We can actually do that meeting before we have our department head meeting and then our Commissioner meeting. So, we'll be doing a rezoning first, is what's on the docket.

President Nix: You know it's bad when you have to have a meeting to talk about a meeting.

Commissioner Tornatta: Do we know what's on the docket, in case that's going to run long?

Madelyn Grayson: Not until Area Plan has their meeting in January will you know what's on that docket.

President Nix: We can be notified of that, so.

Commissioner Tornatta: Yeah, okay.

President Nix: Okay. Are we done with that?

Commissioner Tornatta: Motion to approve the consent items.

President Nix: Hang on just a second.

Commissioner Tornatta: Oh, sorry.

President Nix: Before you do that, and, we discussed new business. Is there any other new business? Seeing none.

<b>Old Business</b>
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President Nix: Is there any old business? Seeing none.

<b>Public Comment</b>
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President Nix: Now is the time for public comment. Anyone that wishes to address the Commission on any Commission business? Seeing none.

<b>Consent Items</b>
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President Nix: I will entertain a motion to approve consent items.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Commissioner Korb: That was a delayed aye. That wasn't a negative aye. That was an aye for a yes.

President Nix: That's okay, that will work.

Commissioner Tornatta: Motion to adjourn.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. We are adjourned.

(The meeting was adjourned at 5:00 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of the November 20, 2007 Commission Meeting Minutes.

Hillcrest-Washington Youth Home Annual Contract/CPI Index.

BKD Letters of Amended Job Descriptions: County Highway & Commissioners.

I-69 Community Planning Program Grant Application.

Evansville ARC: Monthly Report: October 2007.

Department Head Meeting Notes: November 20, 2007.

**Employment Changes:**

Health Department (2)	County Highway (2)	Area Plan (1)
County Engineer (1)	Prosecutor (3)	Superior Court (1)
County Assessor (5)	Recorder (1)	Sheriff (2)
Pigeon Assessor (3)	DADS (1)	VCCC (4)
County Clerk (3)	Co-Op Ext. (1)	Public Def. (1)
Circuit Court (1)		

**Travel Requests:**

Pigeon Assessor (2)	Health Dept. (6)	SWCD (2)
Perry Assessor (1)	County Assessor (5)	Burdette Park (1)
Knight Assessor (1)	German Assessor (1)	

**Auditor:** Departmental Leave Rollover Permission Letter.

**Surplus Request Letters:**

Auditor: Various Computer Items.

Scott Assessor: computers, monitors, keyboards, speakers, mice.

Recorder: computers & typewriters.

Election Office: printers, keyboards, mice, monitor.

Perry Assessor: card drawer files, CD storage boxes, chairs, CPU stand, monitors, keyboards, speakers, file cabinets.

**County Engineer:**

Request to Transfer Vehicle to Burdette Park.

Pay Request No. 41: Green River-Burkhardt TIF Projects.

**Treasurer:** Monthly Report: October 2007.

**County Clerk:** Monthly Report: October 2007.

**Department Head Reports:**

Burdette Park	County Engineer	County Highway
Ozone Officer	Veterans Services	

**Those in Attendance:**

Bill Nix	Jeff Korb	Troy Tornatta
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Amy Mangold	Laurie Seals
Deidra Conner	John Stanley	Wallace Graves
Jeff Kniese	Mike Duckworth	Candy Allega
Debbie Spalding	Jonathan Weaver	Dave Rector
Donna Leader	Betty Knight-Smith	Blaine Oliver
Bill Pedtke	John Stoll	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
DECEMBER 18, 2007**

The Vanderburgh County Board of Commissioners met in session this 18<sup>th</sup> day of December, 2007 at 3:31 p.m. in room 301 of the Civic Center Complex with President Bill Nix presiding.

<b>Call to Order</b>
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President Nix: Good afternoon. I would like to call to order the Vanderburgh County Commissioners meeting, December 18, 2007 at 3:31. I will ask for introductions to my far right.

Marissa Nichoalds: Marissa Nichoalds, Superintendent of County Buildings.

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

President Nix: Bill Nix, Commissioner.

Commissioner Tornatta: Troy Tornatta, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Nix: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Nix: I forgot to mention we do have a couple of shadows here today from....if you want to introduce yourselves.

Taylor Speciale: I'm Taylor Speciale from Harrison High School.

Katie Clevidence: I'm Katie Clevidence from Harrison High School.

President Nix: Go Warriors, right?

<b>Open Quotes for VC07-12-01: Hogue Road Culvert #587 Rehabilitation</b>
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President Nix: The first action item is open quotes VC07-12-01. This is the Hogue Road culvert 587 rehabilitation.

Commissioner Tornatta: Motion to open.

President Nix: I second. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye.



**Announcement of Continuation of Rezoning Petition VC-16-2007**

President Nix: I would like to make an announcement today that the rezoning for 7801 Old State Road has been continued and will not be heard today. So, if anyone in the audience is here for that, it doesn't appear there is.

**Permission to Award Printing and Mailing of 2008 Tax Bills**

President Nix: The first, or the second action item is permission to award printing and mailing of 2008 tax bills. Ms. Debbie Spalding is here to address this.

Debbie Spalding: Good afternoon. On November 28<sup>th</sup> we sent out requests to six vendors for the 2008 tax bills. This is for the printing and the mailing of those forms. We received a response from only one vendor. That was Work Flow One. This company has done this service for the past several years. So, it would be our recommendation, the County Treasurer Z. Tuley and myself, that we would award this to Work Flow One. The amount of the contract was, it's for 150,000 tax bills, and the amount of the printing was \$50,800, and the mailing was quoted as \$46,800. So, the total bid would be for \$97,800, \$600, excuse me.

Commissioner Tornatta: I would like to make a motion to accept the recommendation of the Purchasing Department.

President Nix: I second that. All in favor?

Commissioner Tornatta: Aye.

President Nix: Aye. Opposed same sign. Thank you.

Debbie Spalding: Thank you.

President Nix: We are joined by Commissioner Korb. Glad to see you could make it.

Commissioner Korb: I was out talking to Santa Claus in the parking lot, asking for a new PA system here.

Dave Rector: It's being reviewed.

Commissioner Korb: He started laughing really hard.

**Discussion of Litigation with Regard to Contracts for Construction of New Jail and Possible Direction to County Attorney to File Suit**

President Nix: The next action item is discussion of litigation with regard to contracts of the new jail and possible direction to the County Attorney for filing suit. Commissioner Tornatta, if you wanted to address this first.

Commissioner Tornatta: I really don't, no, I mean, I think we've talked about this several times. I was on the County Council when all this, a lot of the issue in question was about, and, of course, the Council set the parameters of the project at \$35 million, and that was what came from that body. The Commissioners body at

that point was to set up how the process was to go and to maintain that process. So, coming to this body this year, obviously, the jail was already built, it was built on time and to my estimation we felt that, or from what I've heard it's been a good project. So, I stand on those merits, and there was some money left over. So, under budget and on time, and I think that that's kind of where I side on it. So, I really don't see any reason to move forward.

Commissioner Korb: Well, and I respect the fact, Commissioner Tornatta, that it was done on time, and came in under budget, but there were also some structural errors along the way, and they basically had opportunities to make those corrections and they have not done that. There were some work orders that weren't fulfilled, and to be honest with you we tried to handle this outside of the court system, and they did not respond. They acted like, hey, there's no blame to be passed along here. It's like, that's not the case. We've got, with the help of Mr. Rector, a long list of things that needed to be addressed and they simply were not. I think that they were basically saying, hey, we're not going to help you. So, they've forced our hand on this. So, again, I'm tickled pink it came under budget and it's working out well, but it still wasn't done the way a normal contract should be run. So, that's the reason why we're doing this.

President Nix: Okay, I guess, I'll put my two cents worth in. Over the last three years, and more so over the last year and a half, Mr. Rector and I have sat down and went through quite a few items that were in question, engineering concerns that we had. We came up with a pretty good list of things. We thought that there were some deficiencies out there, it wasn't necessarily in the quality of the work, but it was more along the lines of things that took place that probably shouldn't have taken place. I just, you know, I questioned that as I came in office three years ago, and we've been tracking it ever since. We just feel like there's some monies that are owed to the county. We tried, once again, to settle this out of court, just in meetings that we've had with the design group and Mr. Rector and myself, and have not been able to come to any kind of understanding or an amount that we've agreed upon. So, I feel like it's imperative that we move forward with either, and I think the first step would be mediation and/or litigation. This would be through United, let me get the exact name of the company, United Consulting Engineers and Architects. So, I would entertain a motion to that effect.

Commissioner Korb: So moved.

President Nix: Excuse me, excuse me, a second.

Commissioner Tornatta: Mr. Korb, with all due respect to you, I mean, where were the change orders approved?

Commissioner Korb: I'm going to defer to Mr. Nix on that, because of the fact that—

Commissioner Tornatta: I mean, the change orders were approved in this body right here. I mean, I can understand there's a lot of discontent in that the object of the process was to move this jail forward. However, that's the time, if there were an issue, to address an issue. Two years down the road, it has been water under the bridge, and time that, I don't think we've done that on any project that I know of. Here we are trying to address some of these issues two years down the road. I know that, I've talked to the parties, they have been involved, they have been talking. Now, I really, I don't know where the communication gap between this office and the principals involved, but I know that I have talked to those principals many times, and

they are interested in making sure that it's a complete project. They also know that they were supposed to build a \$35 million project, and they were supposed to do it on time, and they were under budget.

President Nix: Well, Commissioner, to answer that, this isn't something that's just surfaced over the last few weeks or few months. This is something that Mr. Rector and I have been working on since the day I took office, or a day or two afterwards. I'd had some concerns, I guess, even before taking office of some of the things I had heard that were happening as far as their change orders and that. A lot of them are authorized on-site, early on they were done that way. We would give them, we'd given the engineering firm a directive that they would not be done that way after January 1<sup>st</sup>, or January 2<sup>nd</sup> or 3<sup>rd</sup> of '05. For a while that continued. I wasn't happy with the way it materialized. As of just two weeks ago the County Council approved a \$20,000 change order for a ventilation problem that had been occurring since the jail had been opened that we got no results from the engineering firm. We got some responses, but they weren't adequate in the fact that we needed to have this thing fixed and needed it fixed now, because that area could not be utilized for what it was built for. So, this isn't anything that's happened just in the last few weeks. This has been an on-going thing. As far as the change orders, there were numerous, once again I want to emphasize this, there were numerous change orders authorized on the job site prior to January 1, 2005 that we still feel like are in question, and from 2005 to today there was numerous change orders. We had sat down and talked to our counsel about this in late 2005, I don't have the exact dates here in front of us, and because of the timeliness of this job, and because we felt like we needed to keep it on schedule, we were advised by our counsel not to pursue anything, but to just track everything and document all this. So, that's why, I mean, this isn't a process that can be remedied, if you will, over night. This has been a long process to get to this point. So, once again, I want to emphasize the fact, and the Council, I think it was, I don't have a verbatim, in the Council minutes a few weeks ago they authorized out of a \$371,000 change order, \$20,000 for design deficiency. I don't remember which Councilmember asked, we are going to go back to the engineering firm for compensation for this. You know, this is one of many things that I feel like we need to look at.

Commissioner Tornatta: I guess, as I've been brought into this process, I see that there was a Commission that drew up the contract in 2000, 2001. In 2004 there was a Commission change, and I truly believe that they weren't satisfied with the contract as it stood. It might be told interpretation by Council, and of course by the different band of Commissioners, but my question is, did this company represent itself well with the contract that they had in front of them. Not the contract that maybe that the Commission in 2004 wanted to see that contractor have.

Commissioner Korb: Well, I don't think that, Commissioner Tornatta, that we're talking about a difference in the contract. We're talking about a responsibility to living up within that contract. Before you try to make this into some sort of political football, it's not. It's business. I mean—

Commissioner Tornatta: It's not business.

Commissioner Korb: It most certainly is.

Commissioner Tornatta: Then we have to watch things as they go, and we can't sit and wait for things to happen.

Commissioner Korb: And I don't have a problem with that. Here's my problem. We build a jail out in the middle of a corn field, for goodness sakes, and that was a Commission a Democrat Commission that did that, and we're not looking at this, this is a Republican decision or a Democrat decision, Troy. It is a decision of how the taxpayers need to have their tax dollars utilized without, obviously they had, the company that did this, and, again, this is the great thing about involving the Building Authority. That is about as non-politicized position as it possibly can be. We have given the contractor every opportunity to step forward and say, you know what, yeah, we'll take some ownership of that, and they have not done that. That is what is at question here. It's not whether the contract came in on time or under budget. It's that we have some deficiencies in there. Mr. Nix who has got great experience with Industrial Contractors who does this type of work all the time, as compared to Commissioners that had no idea what was going on at the job site. That's what's at issue here. It's not an issue of this is a political thing, because it's not. If you're wanting to turn it into that, stop it, because it's not going to work that way.

President Nix: Well, let me--

Commissioner Tornatta: Leading me into whether it's political football or not is not the case. We do know there was an administration change, we do know that the problems started at the administration change--

Commissioner Korb: Sure.

Commissioner Tornatta: --and we do know that problems were not stopped during that administration.

Commissioner Korb: Okay, and--

Commissioner Tornatta: So, that is the important part, and I say that if you don't stop it while it's happening, and you don't stop it while you see things that are happening, I'm sorry, but I think that is not the best way to go. To let it go further down the road, and then try and throw this back on them, I think is the problem.

Commissioner Korb: That does not give the contractor--

Commissioner Tornatta: It is not political football.

Commissioner Korb: --a free pass. Sorry.

President Nix: Hang on, hang on, guys. Mr. Rector and I met with the design firm about, and, once again, I should have had these dates in front of me, but, I don't, made them aware of our concerns. We had quite a few documented things that we really had some serious concerns about during this process. We had probably an hour and a half meeting with them down in room 318, never got a response from them at all. They just, we never ever were given any kind of, we're sorry that's the way it is, or, I mean, they were made aware of this early on that we had some concerns about this. We voiced our concerns in some progress meetings that we had. So, and, the issue of it being a \$35 million project and it came in on time and under budget, that is true, but if the county has spent money that they shouldn't have spent because of errors and omissions and design problems, then that's money that the county should get back. I mean, it's like you can't compare the two between on time and under budget and what the county really should have got for their money, because we, I feel like we could have saved some money out there because of this.

So, I just feel, like I say, Mr. Rector and I have been working on this a long time, we've had numerous meetings with the design firm, and we just have not been able to come up with any kind of what we feel like is a fair settlement.

Commissioner Tornatta: I will say this, I appreciate the job that you and Mr. Rector have done to address the problem. My point is clearly that it's, we're coming in at a different time, we're looking at, in my opinion, some of the things that have been done I've looked at, we started out what we thought was \$1.2 million in errors and omissions, that number turned into about \$200,000. Then I've heard \$400,000, but I know we got it down to \$200,000, and we still had money, we were still under budget \$500,000. So, I mean, when I look at everything, and, we, I've heard it from each one of us, we say it's a good building. It's really doing the purpose. We've had some issue out there, but I had issue with a house that I built. So, I mean, you work that out. But, I think, as I've heard, this company's willing to do something. They're not willing to buy the building back.

President Nix: And we haven't asked them to do that.

Commissioner Korb: Not even close. I move we go ahead and go forward with—

Ted C. Ziemer, Jr.: Excuse me, if I could? Just for the record, I would like your motion to specifically direct the County Attorney to, I mean, if this is what you intend to do, to conduct mediation to the extent required under the terms of the contract, and then proceed with litigation to settle claims that the county believes are due it under the terms of the contract.

Commissioner Korb: Do I have to remember all that to make it a motion?

Ted C. Ziemer, Jr.: No, you can say I move what he said.

Commissioner Korb: I move what he said.

President Nix: I second. All in favor? Aye.

Commissioner Korb: Aye.

President Nix: Opposed same sign.

Commissioner Tornatta: No. Aye.

Jack Waldroup: Excuse me?

President Nix: Yes, sir?

Jack Waldroup: Can I address just briefly?

President Nix: Yes, sure.

Jack Waldroup: Jack Waldroup, United Consulting Engineers.

President Nix: Hit the button there, Jack. There you go.

Jack Waldroup: I talk loud enough. Sorry about that. Briefly, I know there's been some negotiations going on with Mr. Nix and, I think, Mr. Rector's sat in on them,

and we appreciate that. We are willing to continue to negotiate. I think that there's been some communication today that we are willing to continue this. As far as us not answering any of the questions, of the 118 problems that you brought to Dave, or Mr. Rector, I don't know if we answered all 118 of them, but it wasn't like we didn't, that we haven't been down here to meet.

President Nix: No, Mr. Waldroup, and I agree with that. The meetings have gone well. No, I was referring to a meeting we had probably two and a half years ago. It was after that meeting there was no response. But, since then—

Jack Waldroup: They did eventually.

President Nix: —when we've sat down, no, we've had many, many talks, conferences back and forth.

Jack Waldroup: Right.

President Nix: In person meetings and teleconferences and that type of thing. So, it's not, I didn't mean for it to be that way at all. I'm just saying the initial meeting that we had two and a half years ago when we met with your firm, so.

Jack Waldroup: Okay.

President Nix: And, let me clear one thing up too, we've got a good job out there. I don't want the public to think that the building's going to fall down or anything like that. It's just that there's some issues that we really felt that the county should not have had to pay for. That's really the issue.

Jack Waldroup: Well, and as you well know being in the construction business, when you get that many different contractors together, and they all come up with different ideas. You know, and our job will be the next one we do. You know, you know that, you're in the business, Commissioner. So, there's changes made. Did we do a perfect job? I doubt it. We haven't did one yet.

President Nix: There's no such thing.

Jack Waldroup: Bingo, but, you know, we have admitted there have been some problems, you know, I've talked to my boss and we have admitted there are some. But, I'll just put it, we're still willing to negotiate. We've been doing business in Vanderburgh County for 25 years, and we would like to continue to do business, you know, we don't want to leave with a sour taste in our mouth. If you guys want to move forward this way, we'll be there.

President Nix: Thank you, Mr. Waldroup.

Jack Waldroup: Thank you. You all have a Merry Christmas.

President Nix: You do the same.

**Request to Rename Civic Center Room 301**

President Nix: The next action item is a request to rename this particular room, this conference room. I didn't know, Mr. Rector, do you want to step forward and maybe address this?

Dave Rector: Good afternoon, Commissioners, Dave Rector of the Building Authority. Some time ago, after the death of Kevin Winternheimer, County and City Attorney, we had a request from City Council President, Keith Jarboe, to rename the chamber here the "Kevin Winternheimer Council Chambers". I took it to our Board of Directors. That type of thing had come up once before at the Centre with the Bill Brooks Exhibition Hall. They wanted to make sure since some other bodies had met in here, the Commissioners and the County Council that it had the support of everyone. Last night the City Council passed a resolution requesting us to rename it the "Kevin Winternheimer Council Chambers". It's up to this board today representing the County if you all would like to do that. If so, I'll take it back to my board, and then if there's firm confirmation on all parties we would rename it the "Kevin Winternheimer Council Chambers" in honor of Kevin. I know everyone thought a lot of him, and he was a terrific municipal attorney, and I think that's the reason for it, to honor him.

Commissioner Tornatta: Dave, would it be the council chambers, or just chamber? I've got "Kevin Winternheimer Chamber" on here.

Dave Rector: The resolution from the city was a little bit different than, I agree with what you're saying, but I think they were calling it council chambers, weren't they?

President Nix: Yeah, the "Kevin Winternheimer Council Chambers".

Commissioner Tornatta: That's what it says on theirs, I've got something different on mine.

President Nix: Yeah, on the agenda. The resolution says "Kevin Winternheimer Council Chambers"?

Dave Rector: That was their resolution last evening, yes.

President Nix: Okay. Questions?

Commissioner Tornatta: Go ahead.

Ted C. Ziemer, Jr.: The only comment I would have is that these do happen to be the Council chambers, they're also the Commissioners chambers--

Commissioner Tornatta: The APC Board chambers.

Ted C. Ziemer, Jr.: --the County Council chambers, and I think maybe just to call it "Kevin Winternheimer Room", or the "Kevin Winternheimer Chambers"--

Commissioner Tornatta: Chambers, right.

Ted C. Ziemer, Jr.: --without identifying, the Council may meet somewhere else someday.

Dave Rector: The complexity of this request, I think, was a good thing everybody was wanting to do, and that's where it got bogged down is, what were we going to call it and how was it going to be referred to? I just have before you the City Council resolution.

Commissioner Tornatta: That's been approved, obviously?

President Nix: Yeah, last night.

Dave Rector: Yeah.

President Nix: It was approved at last night's meeting.

Dave Rector: And, if you're wanting something different, I can talk with President Jarboe again, and then when I have a board meeting this week, I can say, you know, what do we want to name it? I don't think anybody's hung up on Council Chambers.

Commissioner Tornatta: No, and I'm ready to go ahead with it. I just, I just think if you make it as neutral as possible, you just open it up to all the groups. I think that we have ten groups that come in here, the ABC Board sometimes comes in here, the PTABOA Board.

Dave Rector: The "Kevin Winterheimer Room".

Commissioner Tornatta: Or Chambers, "The Kevin Winterheimer Chambers", I think is fine.

Dave Rector: Chambers.

Commissioner Tornatta: I think just take the Council out of it since there's several different places, or offices that come in here.

President Nix: Would that be agreeable, Commissioner?

Commissioner Korb: Yes.

Commissioner Tornatta: We'll have to do a resolution, will we not?

Ted C. Ziemer, Jr.: Yes, we would, but you can do this by vote, actually. I don't think you have to have an official resolution with a number. If you just want to vote to recommend to the Building Authority that name change, you can do that.

Commissioner Tornatta: Okay, I make a motion to, if we can, get it worked out and name it the "Kevin Winterheimer Chambers".

Dave Rector: I'll take that back to President Jarboe, and to my board. I guess, it falls to my board ultimately to title it.

Commissioner Tornatta: Okay.

Dave Rector: I'm sure they'll appreciate that opportunity.

President Nix: Then award the prize. There's been a motion on the floor.



Commissioner Korb: Second.

President Nix: A motion has been made and seconded. All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Dave Rector: Thank you.

President Nix: Thank you, Mr. Rector.

**Second Announcement of Continuation of Rezoning Petition VC-16-2007**

President Nix: I would like to back up here. The rezoning for 7801 Old State Road has been continued and will not be heard today. If there's anyone here for that today, it will not be heard. I know a few people stepped in after the meeting started, so. Okay.

**Agreement with Lichtenberger Construction: Wedgewood Room at OCH  
Purdue Co-Op Extension: SBM Equipment Service Agreement  
County Assessor: Assessment Software Solutions Agreement  
Clark Dietz Agreement: Traffic Maintenance at Green River-Millersburg  
Health Dept: Revised Indiana Medicaid Transformation Grant Agreement  
Health Dept: ISDH Diabetes Grant Renewal  
WNIN 2008 Agreement  
Superior Court: 2008 JAG Grant Agreement**

President Nix: The next action item is contracts, agreements and leases. Mr. Ziemer?

Ted C. Ziemer, Jr.: Okay, our first contract is a contract for a renovation of the Wedgewood Room in the Old Courthouse by Lichtenberger Construction for the amount of their bid in the sum of \$351,576. It's in all respects satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next document is an agreement to provide service to the mail machine, an electronic scale for the Purdue Extension Agent. It's a one year agreement for \$620. It's also appropriate for execution.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next document is a licensing agreement to be entered into between Vanderburgh County on behalf of the Vanderburgh County Assessor with Assessment Software Solutions, Inc. for the provision of software needed for the maintenance of the various records in the County Assessor's office. The cost of the agreement is \$18,500, which has been appropriated, and it is appropriate for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is a contract to be entered into between the county and Clark Dietz for maintenance of traffic on Green River Road at Millersburg Road. The cost of the agreement is \$12,800, and it's satisfactory for execution from a legal perspective.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign.

Ted C. Ziemer, Jr.: The next agreement is between Vanderburgh County Commissioners on behalf of the Vanderburgh County Board of Health for a revised agreement in principle for the Indiana Medicaid Transportation grant. You signed a former copy of this agreement. It has now been revised. The revisions are satisfactory. The only new provision contained in the revised agreement is that the State OMPP will be reimbursing the Vanderburgh County Health Department, St. Mary's Hospital, Deaconess Hospital and Welborn Clinic for costs they incur with their software vendors to provide the necessary data. The total amount that they have available for that is \$100,000. They would not provide more than \$30,000 cost for any one entity. Gary Heck of the Vanderburgh County Board of Health believes that the cost to the Health Department would be substantially less than \$30,000. It's satisfactory for execution.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: The next agreement is a third amendment to the grant agreement from the Indiana State Department of Health to the Vanderburgh County Department of Health, or the Vanderburgh County Commissioners on behalf of the County Department of Health, adding an additional \$5,000 to the grant, making it \$35,000. It will run, it does run from March 20, 2005 through March 29, 2008. It's satisfactory for execution.

Commissioner Tornatta: And that's diabetes, is that correct?

Ted C. Ziemer, Jr.: I beg your pardon?

Commissioner Tornatta: Is that the Diabetes Grant?

Ted C. Ziemer, Jr.: Yes, it is.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: The next agreement is the contract to be entered into between the Vanderburgh County Commissioners and WNIN for the televising of the meetings of the Commission. The cost of the agreement is identical to that of last year, in all respects, and it's satisfactory for execution.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Next is a Byrne Justice Assistance Grant for the drug program of the Superior Court. This is for 2008. Previously the Commission approved the grant proposal for this in the amount of \$104,212, with the amount of the grant to be \$52,106. That has now been reduced to \$48,429, that's the amount of the grant, and then the courts will need to come up with a matching grant of \$48,429, which has been appropriated and the funds are available. This is satisfactory for execution.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

Ted C. Ziemer, Jr.: What is this? That's all that are on the agenda. Now, I have some separate items if you want me to go ahead?

President Nix: You had e-mailed us in the last day three or four, is that part of this?

Ted C. Ziemer, Jr.: Yeah.

President Nix: Okay, alright.

<b>County Attorney</b>
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Ted C. Ziemer, Jr.: Yeah, I'll go ahead now with those that didn't get to you in time to be on the agenda. The first one is an agreement with Hamrick's Towing. It will be a towing contract for 2008. We had a contract with Hamrick Towing for 2007. That agreement provided that it could be renewed for a period of one year under the same terms and provisions of the 2007 agreement. It's contemplated that sometime during 2008 there will be, right now there is no other contractor, to our knowledge, who can meet the specifications for this bid. But, it's contemplated that sometime around mid 2008 there will be at least one other contractor who could bid on this. So, this would be an agreement for one year under the same terms as the 2007 agreement, and possibly, well, then it would be rebid at the end of 2008.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: The next agreement is between the Vanderburgh County Emergency Management Agency and an individual named John Pease, who by the way is a volunteer with the Vanderburgh County Emergency Management Agency. There is a need to do construction and reconstruction of the Emergency Management, what is it, the Mobile Emergency Management facility. Mr. Pease, under this agreement, would agree to do that for a cost of \$35 per hour, maximum amount of his billing would be \$5,000. In addition to doing the construction and reconstruction, he would also agree to maintain the reconstructed facility in the same condition for six months after it is completed. If you approve this today, it is subject to his insurer providing us with a certificate of insurance that's satisfactory to the County Attorney. I've talked to the insurer, they tell me they will be providing us with a certificate of insurance. If you wish to go forward with this, you would approve it, execute it, but we would have Madelyn hold it in the file until we receive the certificate of insurance, then it could be presented to Mr. Pease for execution.

Commissioner Tornatta: I would approve that subject to the insurance clearance.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Alright, then, actually I have two agreements here between Vanderburgh County and the Vanderburgh County Sheriff. One is for the Vanderburgh County Sheriff's operation of the Community Corrections facility. This would be an agreement for the calendar year 2008. It's identical to the agreement for 2007, including the charges for that service, and it's satisfactory for execution, if you want to do that one.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: And, the second and final agreement that I have today is between Vanderburgh County and the Vanderburgh County Sheriff for compensation to be paid to the Sheriff in 2008 in lieu of statutory fees. This agreement also is identical to the 2007 agreement, except the amount of the fees have been increased from \$83,418 in 2007 to \$85,921 in 2008. It is satisfactory for execution.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

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

President Nix: Thank you, Mr. Ziemer.

<b>Reading of Bids for VC07-12-01: Hogue Road Culvert #587 Rehabilitation</b>
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Ted C. Ziemer, Jr.: Would you like to do bids?

President Nix: Oh, certainly.

Commissioner Korb: I thought you said that's all you had. You lied.

Ted C. Ziemer, Jr.: Well, this is what you have.

Commissioner Korb: I see.

President Nix: Go ahead.

Ted C. Ziemer, Jr.: Alright, I have opened the bids for the, what is it, the Hogue Road culvert construction. I have two bids. One is from Deig Brothers Construction, the amount of the bid is \$108,994. The second bid is from CCC of Evansville, and their bid is \$100,671.06.

Commissioner Tornatta: Motion to take it under advisement.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

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

President Nix: Thank you, Mr. Ziemer.

<b>County Engineer</b>
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President Nix: The next action item is department head reports. Mr. Stoll?

John Stoll: First I've got a pipe acceptance request for Section One of Centerra Ridge Subdivision. There's a total of 1,500 linear feet of pipe located outside of the street rights-of-way. The developer has paid the two dollar a foot acceptance fee, so, I would request that you would accept these pipes for maintenance.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, next, I have a street acceptance request for Section One of the Glenns Subdivision. The streets are 654 feet of Mariner Drive, 250 feet of Wolters Drive, and 329 feet of Bronson Lane.

Commissioner Tornatta: Motion to accept.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

John Stoll: The next street acceptance request is for Section One of William Hirsch Subdivision. This is 375 feet of Hirschland Drive.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: The next street acceptance is for Section One of Heritage Park Subdivision. This is for 1,345 feet of Davis Lant Drive, and 355 feet of Cullen Avenue.

Commissioner Korb: Motion to approve.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

John Stoll: Next, I have a supplemental agreement for the Cross Pointe Boulevard design. This is with Bernardin Lochmueller and Associates, and the supplemental agreement is for an increase of \$68,000. This supplemental agreement will cover design revisions to eliminate a raised median that was originally proposed for the section between Oak Grove and Morgan. It covers design changes for the storm sewer outlet at the Norfolk Southern right-of-way. It also covers some sanitary sewer design, due to the conflicts with sanitary sewers in the segment between Oak Grove and Morgan Avenue.

Commissioner Tornatta: When do we, how far are we from completion on the right-of-way?

John Stoll: We still have, I would guess five or six parcels that still have to be secured. I would still consider the railroad to be the main potential problem that's out there. We have met with most of the property owners as of late, and it sounds like we're making some progress on getting those resolved. But, I haven't gotten any updates from the consultant in regard to the railroad lately. So, if we can't get this out for bid in February, it will probably be more a result of the railroad than anything.

Commissioner Tornatta: Okay, okay. Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then the next supplemental agreement is for Green River Road. This is the contract with DLZ, and this is supplemental agreement number five. This is for an increase of \$163,100. The scope of work on this supplemental agreement is to do the studies, which have already been done for determining various options for keeping the road open to traffic, then it provides the design of the temporary road and temporary bridge needed to keep the road open. It also provides for additional utility coordination in order to make that happen. I would request that this supplemental agreement be approved.

Commissioner Tornatta: Yeah, just before they approve that, I just want to say that this group really did get on the mark, and by the time we had asked for that they had four scenarios back at us, and really did their job to get this stuff rolling. So, motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: Then, next, I have a contract with the Schneider Corporation for design work on the Broadway Avenue bridge number 271. This is a bridge, as well as a culvert at Johnson Lane. This is the one where, I know Commissioner Korb wasn't with the Commissioners at that time, but we had some residents, it was probably about a year ago who came to the meeting concerned about drainage problems. This was one of the areas that was cited as causing some of their drainage problems. Basically, there's a culvert under Johnson Lane that has been extended and tied to a bridge under Broadway Avenue. Nobody seems to know who constructed this connecting structure, but based on some preliminary hydraulic studies, it is a restriction to the flow out there. This contract with Schneider would do the preliminary hydraulic studies needed in order to size the structures, and then at a later date we'll have to come back with a supplemental agreement to get the final design plans. But, I would request your approval of this contract.

Commissioner Tornatta: So moved.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you. Before you go on, Mr. Stoll. On that, I think it needs to be clear that this is the start of helping that situation out there. This will not remediate all the problems that the residents out there have. I think that needs to be clear that this isn't a cure all here, but this is something we can start with that hopefully will help, start helping in the process.

John Stoll: We'll also have to deal with the County Attorney in regard to legal issues, as far as who is really obligated to deal with city structures. Like you said, the



channels themselves don't appear to be large enough to handle the flows to keep the flood waters down. So, there's a number of issues. This is just one component, like you said.

President Nix: Thank you.

John Stoll: The next item I have is a time extension request on contract VC07-10-01. This is the St. Joseph Avenue bridge number 1924 replacement. The original completion date for this contract was December 31<sup>st</sup>, but the precast box culvert that is going to be installed at this location has just now been finished. Given the time of year, the contractor was concerned that they wouldn't have enough decent weather to actually do the project. So, they are requesting somewhat of an open ended extension to where once they get a window of time to go out and do the project, they would still be under the terms of the contract for their, they would have 28 days to complete it. But, I don't have a specific start and end date at this point. But, I would prefer to go ahead and grant their extension, because we really don't want them to go out and close the road right now and then run into bad weather and have the road down for a longer period of time. So, I want to request that their time extension be granted.

Commissioner Tornatta: Well, I don't like open ended extensions, but I would grant them a time extension. Any time?

President Nix: Do you have a recommendation on a time frame?

John Stoll: By the end of March? If not, if we don't get a window of time, I could come back then and request a new extension. They have 28 days to complete it.

Commissioner Tornatta: Who's the contractor?

John Stoll: CCC of Evansville.

Commissioner Tornatta: Okay. Any issues?

John Stoll: None.

Commissioner Tornatta: Where have they been on time issues in the past?

John Stoll: They are just wrapping up the Bromm Road culvert project.

President Nix: We've got them on some rehab projects in the last year or two.

John Stoll: Yeah.

President Nix: I think they've done us a good job.

Commissioner Korb: It sounds like this is out of their control? They were waiting for the box culvert?

John Stoll: The box culvert was actually ordered by the county. We typically order those in advance in order to try and get them in the production schedule, and it also saves us a little money on the mark up, so it's not passed through the contractors' contract. So, we set it up to order the box. It just now is getting finished. So, the fact that the box culvert has not been available has not been the contractors fault.

President Nix: Is, what's the duration of the job, in your estimation?

John Stoll: The contract as it's written allows them to have 28 days of road closure.

President Nix: We're giving them a real good time of year to start too.

John Stoll: That's another concern as far as having asphalt to go out there and patch it. That's why, a ballpark guess, I would say end of March, maybe they would have suitable weather to where they could get asphalt again.

President Nix: Is there any, I'm not familiar with that exact structure, but is there any problem with leaving this thing open for a while and then maybe looking at spring?

Commissioner Tornatta: Or maybe summer--

President Nix: Right.

Commissioner Tornatta: --during summer when school's out. That road always has a problem, which part is it?

John Stoll: This is the twin culvert structure up, it's just a little bit south of Nuebling. It's about a mile south of Baseline. It's over a legal drain. I didn't speak to the contractor as far as specific windows of time when they thought they might be able to get it done, if we postponed it to when we definitely should have good weather.

Commissioner Tornatta: You said St. George?

President Nix: St. Joe.

John Stoll: St. Joseph.

Commissioner Tornatta: St. Joseph, okay.

President Nix: Do you want to talk to the contractor and get back with us?

John Stoll: Sure.

President Nix: See what they think? I mean, I, you know, I agree with Commissioner Tornatta, just leaving it open ended, I would rather come up with something that's a little bit more definite.

John Stoll: In the meantime, I think their concern was making sure they weren't assessed any liquidated damages, since their completion date is the 31<sup>st</sup>.

Commissioner Tornatta: Right. I think we could, we would grant doing an extension. I just, to have it open ended, I think puts us, I think we should have a closure date, even if they had to come back and ask for another extension.

President Nix: Can we hold a minute and change the tape please?

**(Tape change)**

President Nix: Thank you.

John Stoll: I can check on that and let them know that the time extension will be granted, but we just need more specifics as far as content.

Commissioner Tornatta: Ted, do we have to grant something today, since it is the 31<sup>st</sup> in question?

Ted C. Ziemer, Jr.: I don't understand what the significance of the 31<sup>st</sup> is?

John Stoll: That was their contractual completion date. The way the contract was written liquidated damages would be assessed if they weren't finished by the 31<sup>st</sup>.

Ted C. Ziemer, Jr.: I think, Commissioner Tornatta, what I would suggest is that you vote today to grant an extension for a period of time to be set at your first meeting in January.

Commissioner Tornatta: I'll make that in the form of a motion.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Thank you.

John Stoll: The last item I have is a follow up to an approval that you made last week. It's on the Keith Singer right-of-way parcel on the University Parkway project. You had approved increasing that from \$950 to \$3,000. In order to get that processed through the federal aid money that is being used to purchase this right-of-way, I just needed you to sign an alternate form. So, I would just request that you sign the form that's been submitted by Bernardin Lochmueller Associates, so that way we can be sure that we'll get the federal reimbursement on that right-of-way parcel.

Commissioner Korb: Do you need that in the form of a motion?

President Nix: I'll entertain a motion.

Commissioner Korb: So moved.

Commissioner Tornatta: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: You just gave us a raise.

Commissioner Korb: You did.

Commissioner Tornatta: You gave me a raise.

President Nix: Is that it, Mr. Stoll? Thank you.

Ted C. Ziemer, Jr.: John? What about the culvert on Green River Road that we're waiting for INDOT to give us a revised agreement for that, have we heard anything else on that?

John Stoll: I have not heard anything. I'm not, Bill Jeffers, I don't know if the County Surveyor has heard anything new. Have you heard anything, Bill? The last feedback I got was that everybody agreed that the scope of the contract was too extreme for what we were trying to do, but I have not seen any revisions.

Bill Jeffers: The only thing I've heard is that the Department of Natural Resources called and wondered if there was any federal money involved. I told them not from the county's end of it. It was bridge funds and drainage funds. That's all I've heard.

Ted C. Ziemer, Jr.: It would just be a shame to lose the benefit of that \$500,000 for the culvert. That doesn't mean we should sign any kind of agreement that they put in front of us. Clearly, what they did put in front of us was inadequate, but we ought to be talking to somebody about this.

John Stoll: I can check with INDOT again.

Ted C. Ziemer, Jr.: Yeah, sure.

John Stoll: And see what they have to say.

Ted C. Ziemer, Jr.: Thank you.

John Stoll: You're welcome.

President Nix: I guess, along with that, to make sure we coordinate, that's all part of the big picture, the whole project, I guess. So, they're, the two will be coordinated, I guess, that goes without saying, so.

John Stoll: They were originally looking at a spring bid letting on their project, but I don't know with this issue not being resolved whether or not that would postpone anything on their end or not.

President Nix: It might help move things along if we could check with them.

Commissioner Tornatta: Ted, just real quick, if you were the attorney for CCC, and I assume you're not, would you be, would you feel comfortable with us putting that motion out there and requesting that something be amended in January? Or would you rather have something signed saying that that was the case?

Ted C. Ziemer, Jr.: What are you going to sign? Something that says exactly what we said here today?

Commissioner Tornatta: Well, I didn't know if we needed, do we need to sign that and send that to them? We otherwise had a paper that we had to sign.

Ted C. Ziemer, Jr.: Yeah, I suggest that the minutes of this meeting will show the resolution of the Commissioners—

Commissioner Tornatta: Okay.

Ted C. Ziemer, Jr.: –and we have agreed to extend it, and we’re going to extend it to a period of time to be agreed to in January.

John Stoll: If that’s not signed, it’s no problem. I can go ahead and talk to the contractor and we’ll get something worked out and we’ll let you know in January.

Commissioner Tornatta: Okay, thanks.

John Stoll: Sure.

President Nix: Thanks, John. Mr. Ziemer, you’re back on here. Are you through with us?

Ted C. Ziemer, Jr.: I’m totally through with you.

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

<b>Board Appointments</b>
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President Nix: We’ll go to the next action item which is board appointments. Commissioner Korb?

Commissioner Korb: We have been working on reappointing and appointing board members for the public. A lot of those terms expire on various committees, such as Domestic and Sexual Violence, Legal Aid, Alcoholic Beverage. In trying to fill these positions, Mr. Nix has asked me to contact current members who are serving on boards, and directors and what not. So, we’ve been doing that. This is a partial list so far. So, I would move that, I guess, this is in the form of a motion, since I’ve never done this before?

President Nix: Yes, sir.

Commissioner Korb: Would move that the following appointments be made. Do you want to do that individually or collectively?

Ted C. Ziemer, Jr.: Well, you can do it collectively, unless somebody would have an objection to any one of them, then you would have to deal with that separately.

President Nix: Okay, just go through them, and if we want to object to any of them, then we can.

Commissioner Korb: That would be fine. Building Authority Board of Trustees, Steve Sweeney; Domestic and Sexual Violence, Lori Hahn; Legal Aid, Jim Martin of the Sheriff’s Department; Alcoholic Beverage, Frank Daugul; Area Plan Commission, Bill Pedtke; Convention and Visitors Bureau, Greg Gee will be the hotelier representative and Joe Vezosso will be switching off from the hotelier position, because he’s no longer in the hotel business. The Board of Health, Dr. Mark Wohlford, who is an oral surgeon here in Evansville. Economic Development Coalition, Marco DeLucio; Emergency Management Association, Sheriff Williams; HVAC, Bob Crow; Polling Place Advisory Council is Connie Carrier, Tony Bushrod, Marissa Nichoalds, Roberta Heimann, Ken Lefler, and PTABOA, Paul Farmer. The Redevelopment Commission is Dave Abbott, Bob Musgrave, Tim Deisher, Pam Martin.

President Nix: Is that in the form of a motion?

Commissioner Korb: It is.

Commissioner Tornatta: I'll second it.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. Thank you.

<b>New Business</b>
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President Nix: Is there any new business to come before the board? Seeing none.

<b>Old Business</b>
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President Nix: Any old business?

Commissioner Tornatta: Kind of under old business. We did talk, did get confirmation from USI that they were interested in their graduates program looking at the Old Courthouse. So, between now and the first of the year, I think they start about two and half weeks, three weeks in, we need some type of program by which we would like them to assess and to give us some information. So, if we could put that in some form of a composite sketch of what we want to see out of the group. They could kind of run with it from there. But, they're going to have two or three, as many as, well, as many groups as he devises that he has with class members. They're also looking at the Marketing Department as well, kind of chipping in. So, we should have a nice group of fresh minds looking at the project.

President Nix: Commissioner?

Commissioner Korb: I'm confused. What are we talking about here?

Commissioner Tornatta: The Old Courthouse—

Commissioner Korb: USI students?

President Nix: The feasibility of uses for the Old Courthouse, just uses.

Commissioner Korb: Got it. Okay.

President Nix: This was discussed, you brought this up at a meeting a couple of weeks back.

Commissioner Tornatta: Right, and the one thing that we would like to do is just set some of our parameters for stuff we would like them to address, and if they have anything outside of that, as well as working with the Old Courthouse Foundation and any measures that we would like to do there. We would like to have our first informative meeting at the Courthouse. So, it opens up to just another way of doing a project.

Ted C. Ziemer, Jr.: Commissioner Tornatta, the one thing I might suggest in the charge to the architect, in his contract for work at the Old Courthouse, one of the things they are doing is reviewing and suggesting possible additional uses for the Courthouse. So, I think this group ought to meet with the architect as well.

Commissioner Tornatta: Okay, and if we can start to kind of develop some of those ideas and put it in a, eventually have a little binder, and then I told the professor that I would come before those kids, and any of the Commissioners that would like to come there could talk to them, tell them some of their concerns and some direction.

President Nix: I believe tomorrow, Commissioner Korb, you're going to be at the Old Courthouse meeting at 11:30 to, I guess, discuss kick off of the Wedgewood project, and then a possible marketing of the Old Courthouse?

Commissioner Korb: Right. What we've talked about, and I've sent the e-mail out and everybody received one. We'll be meeting with the Old Courthouse Foundation Board of Directors to discuss the possibility of, the necessity of trying to lease the rest of the spaces inside that building in contracting with a commercial realtor to lease those spaces. As Commissioner Nix and Tornatta both pointed out to me, really that's going to be the Foundation's call, not the Commissioner's call. So, in terms of a cost factor, the only time there is a cost is if indeed the space is let. Marketing the building, the Wedgewood Room and the other rooms that we have in that building are fine, but I really think that because we already have the gas and the electric on in the building and the lights are all on, we need to lease as much of that space as we possibly can. We're not in the real estate business as county office holders, that's what real estate agents do, and would encourage them to do that. So, that will be what we present tomorrow to the Board of Directors.

Commissioner Tornatta: Do we have anybody in mind?

Commissioner Korb: No, really, I've given them three names, Tucker Real Estate, Woodward Commercial Real Estate and Summit. All three of those companies have got presence downtown. When you sign a contract like that you ask them to list the spaces for six months, or however long, and I don't mind rotating it around at all. I don't have a preference, except that they should be a commercial.

President Nix: The other thing to this, these guys are multi-list realtors. So, this, basically, if you give it to one, it opens the doors for a lot of different realty companies to be able to—

Commissioner Korb: Absolutely. That's the thing that we've talked about as Commissioners is taking some of the politics out of it if we can. Again, we just want to lease the space. So, I've encouraged the Foundation to negotiate the deal of what the percentage is and that type of thing, and have also encouraged them to take a look at redoing our lease, because it's extremely ambiguous, and frustrating for the tenants.

Ted C. Ziemer, Jr.: I beg your pardon?

Commissioner Korb: If you wrote that—

Commissioner Tornatta: He's just an attorney.

President Nix: We'll talk about that some time.

Commissioner Korb: We still love you.

Commissioner Tornatta: That's a joke.

Commissioner Korb: Yeah, so, anyway, that's not a directive from the Commissioners at all. That's just a suggestion for the Old Courthouse Foundation, because at the end of the day, they're the ones paying the bills, not us. We're just trying to help them along with that.

President Nix: We do pay some of the bills over there, so.

Commissioner Tornatta: Yeah, we do.

Commissioner Korb: Yeah, okay, we pay some of the bills there.

President Nix: Yeah, right.

Commissioner Tornatta: The majority.

Ted C. Ziemer, Jr.: Just a question. We have been leasing space there for some time, and, well, everybody that has space in the Old Courthouse now leases it without benefit of a realtor, so no commission or anything is paid—

Commissioner Korb: True.

Ted C. Ziemer, Jr.: —on that. Are you, will the contract cover all space in the Old Courthouse? Or will the Commissioners be able to continue to lease space?

President Nix: I would like to see that if we have an opportunity to lease space on our own, we do it, as we have been all along. If they find people to lease the space, they get the commission.

Commissioner Tornatta: Yeah, I would just like to request that, I mean, we've been talking about this, I think these are good points, but the one thing that I would like to look at is maybe we give this class that we're talking about as a, it's a semester class, so we would be done by May, maybe we let that amount of time go and let these guys see if they can come up with something outside the box before we get anybody involved, since we've gone this long. See if they can come up with any additional ideas. Then, at that point, if the recommendation from all places is that we get some outside contract, I think the thing that we're going to find is these individuals that would push, whether it be Summit or any of these places, we don't have that place up to the technology that most of these offices need to run their business, in some cases. So, that's probably one of the recommendations that we're going to get. We're going to have to address that, or they're not going to be able to put anybody in. So, I think it could be a frustrating issue. So, let's get some ideas from some of these people is my request, and then past that, maybe we do hire somebody or acquire the services.

President Nix: I think this, tomorrow is just to look and see if the board would be interested.

Commissioner Korb: That's all it is. I think we run that by the board, and I'm happy to have students come out and do a work study or whatever they want to do, but really we have a responsibility to lease that space. I appreciate the fact that up until



now it's been leased by itself, which is fine, but we're still running below a hundred, we're running what, at 60 percent capacity of the building? My thought is, okay, why are we just satisfied with just 60 percent of letting out that space? That makes no sense, it makes no business sense. The recommendation that I will give the foundation tomorrow is, with respect to what you're saying, Troy, which is right, you just lease it as is. Any improvements would be up to the tenant coming in, and that way the county is not out additional money for upgrading the facility, which is basically what we're after. So, but again, I mean, you all give me the guidance, I don't care, if you want to say wait until May, fine, we can do that. But, still, at some point in time, we have to realize to market the facility, to lease the space we need people that do that for a living, that would be licensed realtors.

President Nix: I would like to see what the board would consider first.

Commissioner Korb: Sure.

President Nix: Then, you know, our plan for the last couple of years sitting on that board is that we get the Wedgewood Room complete, let the public know what the rest of the building can look like from an architectural standpoint, because we've taken care of the mechanical and electrical and roofing and windows and that. From that point then, we've got quite a few options we can look at, build outs and that type of thing, but we want to stay with the theme of the Wedgewood Room, the historic part of that throughout the whole process. So, I think we need to go at this fairly easy until we really come up with a good plan.

Commissioner Tornatta: What is our rent per square foot at this point?

Marissa Nichoalds: It varies. Usually around eight to ten dollars per square foot.

Commissioner Tornatta: Okay, so, I mean, we're fairly low, but with the amenities we have in there, I think that's one of the reasons we are as low as we are. So, anyway, just when you're telling them, explaining some of these ideas for USI, this would be a graduate course, so this would be people who might even be out in the field that are going back to try and potentially pick up masters classes and whatever. So, these might be professionals that would be looking to give us some ideas as well.

President Nix: Thank you, gentlemen. Any other old business? Seeing none.

<b>Public Comment</b>
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President Nix: Now is the time for public comment. Anyone who would like to address the board for anything relating to Commission business? Seeing none.

<b>Consent Items</b>
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President Nix: I will entertain a motion to approve the consent items. I think we've got one additional item to add to that, and that is?

Marissa Nichoalds: It's a surplus request for the County Highway.

Commissioner Tornatta: Motion to approve.

Commissioner Korb: Second.

President Nix: All in favor?

All Commissioners: Aye.

President Nix: Opposed same sign. I'll entertain a motion to adjourn.

Commissioner Tornatta: So moved.

Commissioner Korb: So moved. Second.

President Nix: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 4:30 p.m.)

**CONSENT ITEMS:**

**Commissioners:**

Approval of December 11, 2007 Commission Meeting Minutes.

Approval of December 18, 2007 Executive Session Summary Minutes.

Kraftwerks, Inc.: 2007 Craft Show Financial Report and Payment.

J.L. Crane Proposal for Work at 102 Read Street.

Department Head Meeting Notes: December 11, 2007.

**Employment Changes:**

Commissioners (1) Health Department (1)

Superior Court (1)

German Assessor (2) Circuit Court (1)

County Council (1)

**Travel Requests:**

County Assessor (1)

SWCD (1)

**County Engineer:**

Pay Request No. 42 for Green River-Burkhardt TIF Projects.

Vacation Rollover Request Letter.

**Auditor:** A/P Vouchers: December 2007.

**Health Dept:** Record of Appointment of Dr. Ray Nicholson as Local Health Officer.

**Surplus Requests:**

Health Department: Surplus Request Letter: HP Laptop.

Sheriff: Multiple Computers.

Courts: Multiple Computers.

County Highway: Multiple Computers.

**Department Head Reports:**

Burdette Park

County Engineer

County Highway

Veterans Services

**Those in Attendance:**

Bill Nix

Jeff Korb

Troy Tornatta

Bill Fluty

Ted C. Ziemer, Jr.

Marissa Nichoalds

Madelyn Grayson

Debbie Spalding

Jack Waldroup

Dave Rector

Others Unidentified

Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bill Nix, President**

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**Jeff Korb, Vice President**

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**Troy Tornatta, Member**

(Recorded and transcribed by Madelyn Grayson.)