

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 23, 2018**

The Vanderburgh County Board of Commissioners met in session this 23rd day of January, 2018 at 3:01 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem Presiding.

Call to Order

President Ungethiem: Good afternoon. Welcome to the Vanderburgh County Board of Commissioners meeting for January 23, 2018.

Attendance Roll Call

President Ungethiem: Madelyn, would you call roll please?

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Here.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Here.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Here, and that makes three people present. We do have a quorum.

Pledge of Allegiance

President Ungethiem: Would you please stand and join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you all.

Commission President Comments

President Ungethiem: Okay, no sports stories to talk about, unless you're an IU fan. They won last night for a change.

Commissioner Shoulders: For a change? Come on now, it's four out of the last five, right?

President Ungethiem: Were you at the game?

Commissioner Shoulders: I was not.

President Ungethiem: Oh, you were not at the game? Okay.

Commissioner Shoulders: Okay.

**First Reading of Ordinance CO.02-18-007: Amending Ch. 2.48 of the
Vanderburgh County Code on Information Technology Advisory Committee**

President Ungethiem: Moving on, the first action item is the first reading of ordinance CO.02-18-007. This amends chapter 2.48 of the Vanderburgh County Code on Information Technology Advisory Committee. This motion is to basically change the number of people on the committee, and the number of people that would consist of a quorum, are my two bullet points. So, was there anything else associated with that change?

Commissioner Musgrave: No, I'll move approval.

President Ungethiem: Okay.

Commissioner Shoulders: I will second the motion.

President Ungethiem: We have a motion and a second. Any public comment? Any further comment from the Commissioners? Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 3-0)

President Ungethiem: The final reading will be at our February 6th meeting, here in this room at 3:00.

<p>Final Reading of Ordinance CO.01-18-005 As Amended: Establishing a Parental Leave Policy for Vanderburgh County Employees</p>

President Ungethiem: The next item is the final reading of ordinance CO.01-18-005 as amended, establishing a paternal leave policy—

Commissioner Musgrave: Parental.

President Ungethiem: Parental.

Commissioner Musgrave: What was amended in that? (Inaudible) paternal (Inaudible. Microphone not on.)

President Ungethiem: Parental. (Inaudible) parental.

Joe Harrison, Jr.: Just the effective date.

President Ungethiem: It has something to do with parents.

Joe Harrison, Jr.: The effective date is February 1st.

Commissioner Musgrave: Okay.

Joe Harrison, Jr.: But, it will be advertised before then, if it passes.

Commissioner Musgrave: Alright. Okay.

President Ungethiem: Okay. Any comments on this ordinance?

Commissioner Musgrave: Not from me, but I understand that Gena Garrett and Pam Locker are here to address it.

President Ungethiem: Any public comments? Please come forward and state your name.

Gena Garrett: My name is Gena Garrett. A resident of Vanderburgh County, and I have two kids. One was born in 2010 and one was born in 2013. At the time they were born I worked for local non-profits, and so when I took my 12 weeks of typical maternity leave, it was all unpaid. The only option we had was to take our vacation time, which were two weeks. So, that's, you know, ten weeks that you have unpaid, and then you could spend all of your sick time, but then you're left the whole year with a new baby with no more paid time off. So, you can imagine it was always kind of a struggle to decide. So, even though, you know, my husband worked full time and I worked almost full time, taking all of that

time off was really a struggle for a family. My youngest is almost five and we're still kind of recuperating from the paid time off. So, with this proposal, even four weeks would be a huge help to a lot of families, because I think that's a struggle that people have is how do you compensate for that time when you're trying to take off with your baby? So, thank you.

President Ungethiem: Okay, thank you. Anyone else?

Pam Locker: My name is Pam Locker. I said my two cents last time, but I want to say again that Cheryl is to be commended for bringing this forward. The county is to be commended if you pass this, because there's very few counties and cities in the country that have done this. We need to get the ball rolling. Thank you.

President Ungethiem: Thank you. Anyone else? Any final comments from the Commissioners? One question I had, at the last meeting there was some discussion with regard to the Courts and the folks out there. Did we ever discuss...are they in or are they out?

Joe Harrison, Jr.: They're in, as far as I know. I did meet with Judge Shively, and he said after looking at it further, he said he was fine with it.

President Ungethiem: Okay. Good.

Commissioner Musgrave: Then I will move approval on the second reading, as amended.

Commissioner Shoulders: I will second the motion.

President Ungethiem: We have a motion and a second. Any further comment? Roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

<p style="text-align: center;">Final Reading of Ordinance CO.01-18-006: Regarding Group Health Insurance for Retired County Employees</p>
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President Ungethiem: Alright, the next item on the list is final reading of ordinance CO.01-18-006, regarding group healthcare insurance for retired, for insurance for retired county employees. The first reading was at an earlier meeting. I would entertain a motion to approve second.

Commissioner Musgrave: I will make a motion to approve it, but there is one small amendment that the attorney pointed out to me. There's a stray extra word in the document.

Joe Harrison, Jr.: Yes, on page two, paragraph three, the word "retirement" needs to be, the first retirement...it should read; "The retired employee will have completed at least 15 years of participation in the Vanderburgh County health insurance plan, on or before the employee's retirement date." That has been modified in the final version.

President Ungethiem: Okay.

Joe Harrison, Jr.: That, as amended, I would ask for approval on final reading.

Commissioner Musgrave: That's my motion.

President Ungethiem: Alright.

Commissioner Shoulders: I will second the motion.

President Ungethiem: We have a motion and a second. Any public comment? Any further questions? Roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Hamrick's Towing & Recovery, LLC: Towing & Storage Contract Renewal

President Ungethiem: The next item is the County Commissioners towing contract, and storage contract with Hamrick's Towing and Recovery, LLC. This is a contract renewal for a two year period. The new contract is to begin on 2/1 of '18 and terminate on 1/31 of '20. I would entertain a motion to approve this contract.

Commissioner Shoulders: I will motion to approve.

Commissioner Musgrave: Let me just say, I'm not going to second it. As a candidate for this office, I made a promise to see what I could do to bid this out annually. Or actually made a promise to bid it out annually. I've been unsuccessful in getting support for that. So, while I have been successful in looking at some of the terms here, it's been decreased from a three year contract to a two year contract, and I've verified many aspects of the vendor. You might recall that I found that he was overdue, or delinquent on a substantial number of taxes. A substantial part of that has been paid. So, I've been satisfied on those, all of those things, but the one thing that I haven't been able to find any support for is bidding it out on an annual basis. So, I can't be for the contract because of the campaign promise that I made, but I'm more satisfied with the terms of it than I was at the beginning.

President Ungethiem: Okay. I will second the motion to approve this contract. My reasonings for this is, number one, I had extensive talks with the Sheriff, and the Sheriff is recommending this person for this contract. The Sheriff also indicates that he's had good history with this particular vendor over the past few years. The fact that we're not bidding the contract out doesn't give me as much concern, because there's no property tax dollars associated with this contract. This contract is something that's paid for out of user fees, not out of taxes. So, from that standpoint, I'm not as concerned about the bid process. The fourth thing is, if we make a change, there's really only two players that appear to be big enough to do this, and if we were to change to the other person, then they would not only have the county contract and the city contract, and if we get an ice storm like we did a week or so ago, I don't want to be the second person in a priority list, when we call a towing contractor and need something done. So, I would prefer to have separate contractors city and county. With that, any other comments? I would call for a roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: No.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 2-1 vote.

(Motion approved 2-1. Commissioner Musgrave opposed.)

<p>Collective Bargaining Agreement with Teamsters Local 215: Co. Hwy., Burdette, ONEP, Supt. Of Co. Bldgs & Weights & Measures</p>

President Ungethiem: The next item is a Collective Bargaining Agreement with the Teamsters. This is a new bargaining agreement, for three years, beginning in 1/1 of '18 and ending 12/31 of 2020. It includes workers at the County Highway Garage, Burdette Park, Old National Events Plaza, Weights and Measures and the Old Courthouse buildings. This is something that's been negotiated with all of those folks, and to my understanding everybody is in agreement with the contract. So, I would entertain a motion to approve this contract.

Commissioner Shoulders: So moved.

Commissioner Musgrave: Second.

President Ungethiem: We have a motion and a second. Any further comments? Any comments from the public? Seeing none, roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and the motion is approved by a 3-0 vote.

(Motion approved 3-0)

<p>Board Appointments</p>

President Ungethiem: Moving on to board appointments. We have two, one is the Commissioner on Homeless, Commission on Homeless, Tameka Warren. The second is a PTABOA Attorney appointment, David Sanders with Fine and Hatfield.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. I have one question, on the PTABOA Attorney appointment, we generally appoint the board members, do we also have the authority to appoint the attorney?

Commissioner Musgrave: Yes.

Joe Harrison, Jr.: That's my understanding, and I think we did it last year.

Commissioner Shoulders: We did it last year.

Commissioner Musgrave: Yeah, same guy.

Joe Harrison, Jr.: Yeah, and I don't know, it's the same firm.

Commissioner Musgrave: It is. Same guy, same firm.

Joe Harrison, Jr.: Okay.

President Ungethiem: Okay, I was just making a clarification there. Okay, we've got two board appointments, we have a motion and a second. Any further public comment? Seeing none, roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and that is approved by a 3-0 vote.

(Motion approved 3-0)

Commissioner Musgrave: And I want to say that on the Commission on Homelessness, that's a joint city-county commission, and I have asked Joe to revise that ordinance, of course, that would have to be a joint revision. This particular appointee has to be a credit counselor—

Commissioner Shoulders: Or former.

Commissioner Musgrave: Yeah, but we turn ourselves inside and out trying to find a credit counselor—

Commissioner Shoulders: Yeah.

Commissioner Musgrave: --when we have probably half a dozen people who weren't credit counselors who were just dying to be on the board.

Commissioner Shoulders: Yeah.

Commissioner Musgrave: So, I've asked him to eliminate the requirement that it be a credit counselor, so that we'll have more flexibility in the future to appoint someone to that board.

President Ungethiem: Okay. Good.

County Engineer

President Ungethiem: Alright, moving on to department head reports. Is John out there? Oh, there's John. Do you want to start off, John? You were hiding back there in the corner.

John Stoll: First I've got a supplemental agreement with United Consulting for the Baseline Road project. The Baseline project runs from the entrance to North High School east to Korff Road, and also involves replacing a culvert on Korff Road north of Baseline. This agreement, supplemental agreement, is for the amount of \$181,850, and it covers the right-of-way engineering and right-of-way acquisition services for that project. The County Attorney reviewed the agreement and he said it was okay, so I would request your approval.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further comment? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

(Motion approved 3-0)

John Stoll: Next I've got an administrative settlement for parcel 39 on Green River Road, Section VI. This is the section between Kansas and Boonville-New Harmony. It's parcel 39 owned by Myers, and the requested increase is \$27,700. I would request approval.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further comment? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

(Motion approved 3-0)

John Stoll: Next I've got a supplemental agreement with RQAW for the right-of-way needed for the St. Joe Avenue Bridge. This is the bridge that's about a tenth of a mile south of Wimberg Road. It looks like we need one right-of-way parcel, and this covers the right-of-way engineering on that project. The amount of the supplemental agreement is \$4,130.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further comment? One comment I have is can we do all of the projects with just one right-of-way approval?

John Stoll: I wish, or zero would be even better.

President Ungethiem: All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

(Motion approved 3-0)

John Stoll: Last I just wanted to let you know that I submitted all of the bridge inspection selection paperwork to INDOT. They approved everything. So, we are approved to proceed with negotiating a contract with Beam Longest and Neff. They approved the selection last week. So, next up we'll get a contract worked out, and we'll have some agreements that we'll have to sign with INDOT, but we at least made it this far. So, just wanted to get that on record.

President Ungethiem: Okay. Is that a four year contract?

John Stoll: Yes.

President Ungethiem: A four year contract, okay.

John Stoll: Yeah, it covers two inspections, plus we have a handful of bridges that require annual inspections as well. But, it's two complete inspections of all of the bridges.

President Ungethiem: Okay.

Commissioner Shoulders: Yeah.

President Ungethiem: Alright.

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

President Ungethiem: Thank you, John. Any other department heads? Seeing none.

New Business

President Ungethiem: We'll move on to new business. The first item is road hearing.

Commissioner Musgrave: I asked that this be on the agenda, because we have actually perhaps two road hearings that we need to do. The traditional one so we can talk about maintenance, you know, what, you know, have the public come and tell us about their favorite stretch of road that they would like us to maintain. But, the other is for review and discussion of the report that our contractor is going to be issuing shortly. I know we've seen a rough draft of it—

President Ungethiem: Uh-huh.

Commissioner Musgrave: --and we're waiting for that to be revised, but I was wondering when we might want to schedule both of these. Time really flies, so that's why I was going to ask you to put your eyes on your calendar. I think the sooner the better, maybe March for the maintenance one. Would February be pushing it for the other?

President Ungethiem: When will we have the revised plan? Do you know?

Commissioner Musgrave: We might have it mid-February. So, maybe we should push it back a little bit.

President Ungethiem: I was going to wait, I was going to have at least a week or so for us to read through it.

Commissioner Musgrave: At least, yeah.

President Ungethiem: To read through that again.

Commissioner Musgrave: I've told the vendor that I want them to conduct this hearing, and have maps and posters so that we can all look at this. You know, I don't want to give too much of a heads up, but we are attempting to catalogue and add up the cost for every road that we think needs to be constructed and/or seriously looked at. It will be a very big number, and we'll have some proposed sequencing of that, you know, what's going to be our priority number one, number two, number three.

President Ungethiem: Uh-huh.

Commissioner Musgrave: But, it's a 20 year list already, and it's a very big dollar amount.

President Ungethiem: I would suggest sometime in early March, and maybe on a Tuesday that we're not having a regular meeting.

Commissioner Musgrave: Okay, so early March? And, then late March maybe for the other? Okay, that will be a lot of March meetings, and actually I can't do late March, I have another conflict at that time. But, that's a good starting point.

President Ungethiem: Okay.

Commissioner Musgrave: Okay?

President Ungethiem: Alright, so stay tuned for those—

Joe Harrison, Jr.: Dates.

President Ungethiem: --road meetings. We'll get those dates out to people so that they can join in and hear what the—

Joe Harrison, Jr.: Maybe at the next meeting you could approve whatever date you come up with.

President Ungethiem: Yeah.

Commissioner Shoulders: The first Tuesday we actually do not have a meeting then.

President Ungethiem: Pardon?

Commissioner Shoulders: The first Tuesday of March we do not have a meeting.

President Ungethiem: Okay.

Commissioner Musgrave: Oh, that might be a good time—

Commissioner Shoulders: I just checked.

Commissioner Musgrave: --to do that first one.

President Ungethiem: So, let's plan on our, let's look at that as an opportunity.

Commissioner Musgrave: Alright.

President Ungethiem: Okay, the other new business item is under Building Commission, action regarding The Enclave Subdivision. I think Ron is here. If you could come forward and let us know where we stand on this.

Ron Beane: Ron Beane with the Building Commission. Where we are on this is that we are preparing a letter to go to the property owner that has put the fence in a drainage easement, and requiring them to move it out of the drainage easement, or be subject to a fine from the Building Commission. Or, there is a remote chance that they could get an encroachment permit from the Drainage Board, but that's not likely. So, that letter will be going out, explaining their options, and I would say it would go out by the end of the week.

Commissioner Musgrave: Okay.

President Ungethiem: Okay.

Ron Beane: Alright.

Commissioner Musgrave: Well, toward that end, I would like to make a motion that as to residential Lot 24 in Eagle Enclave Subdivision, make a motion that the Evansville-Vanderburgh County Building Commissioner take immediate action to remove this fence, which is apparently located in the drainage easement. And, I say remove, because I believe the ordinance that we passed gives you that authority.

Ron Beane: Yes.

Commissioner Musgrave: Now, there's a process you have to go through.

Ron Beane: The one thing it doesn't define is a timeline, and with the snow being gone now, I would think 60 days would be an appropriate amount of time. Less, more? It's going to—

Commissioner Musgrave: My motion is saying immediate.

Ron Beane: Okay.

Commissioner Musgrave: So, I'm gonna—

Joe Harrison, Jr.: (Inaudible. Microphone not on.)

President Ungethiem: Do you want to define "immediate"?

Ron Beane: Pardon?

Commissioner Musgrave: I relied on our attorney for the wording of this motion.

President Ungethiem: Okay.

Commissioner Musgrave: So, I am going to leave it as is. If I can get a second.

President Ungethiem: Okay.

Ron Beane: Yeah, once we prepare the letter, I can, I've talked to Linda today, but with Jeff when he gets back, and we'll just run it by Joe to be sure that the t's are crossed and i's dotted, and that it jives with all of the right code references.

Commissioner Musgrave: Okay.

President Ungethiem: Okay. We have a motion. Do we have a second?

Commissioner Shoulders: Second.

President Ungethiem: A motion and a second. Any further discussion? Seeing none, roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 3-0)

President Ungethiem: We'll look forward to seeing that letter go out. Could you send us a copy of that when it goes out so we know that it went out?

Ron Beane: Absolutely. To all of the Commissioners?

Commissioner Musgrave: Yes.

Commissioner Shoulders: Ron, thanks for being here, and thanks for....

President Ungethiem: Okay, any other new business?

Old Business

President Ungethiem: Any old business?

Commissioner Musgrave: (Inaudible. Microphone not on.)

President Ungethiem: I've got that on the list. I guess we could do that under old business. This is a question for our Auditor. We were asking, we were talking with the County Garage Superintendent, and were asking him what did we know, or how much money did we have in the Motor Vehicle Highway Funding, as a result of the ten cent tax that was put into position last year. He said that he didn't know, but he thought you might. You might not know that right off the top of your head, but we're trying to get an idea of how much money is in that account.

Brian Gerth: Well, we receive this money every month. Really, the way we work on what was budgeted during our projections, you know, we basically estimate so much revenue each month for the whole year of '18. Which we're going to monitor that and see, as long, make sure we reach that dollar amount. I mean, I would feel pretty confident that we're going to have about a \$2 million unappropriated balance in the Highway Fund.

President Ungethiem: By when?

Commissioner Musgrave: The end of the year.

Brian Gerth: By the end of the year.

President Ungethiem: By the end of 2018?

Brian Gerth: Uh-huh.

Commissioner Musgrave: (Inaudible. Microphone not on.)

Brian Gerth: So, I feel like, I mean, that's something to work with for this year.

President Ungethiem: Okay, now let me ask another question. If we find a need for that money, that is appropriate, obviously?

Commissioner Musgrave: Actually, we will find a need.

President Ungethiem: The first week in March we're going to find a lot of need for money when we see this report, I can guarantee you that. How do we go about appropriating that for those projects?

Brian Gerth: It's like any other appropriation request. You just have to turn it in to our office, and we'll get it turned in to the Council for their next meeting.

President Ungethiem: Okay.

Brian Gerth: So, you know, it's too late for February's meeting. I mean, I don't know if you want to do it in March's meeting, but that deadline is generally about the 15th of the month.

President Ungethiem: Okay.

Brian Gerth: Or the 16th, or whatever.

President Ungethiem: Alright.

Commissioner Musgrave: Can you deliver to us a monthly report?

Brian Gerth: Yeah.

Commissioner Musgrave: For the first meeting of the month that the Commissioners have, can you give us a revenue report that shows us year-to-date, by month, compared to the same time period for the year prior?

Brian Gerth: Yeah, and I can give you comparisons of what we've received.

President Ungethiem: And, let me make sure I've got a good understanding of this Fund. It's a Motor Highway Vehicle Fund. It can be used for anything related to new road construction or maintaining road construction, and that that includes personnel or vehicles?

Brian Gerth: Absolutely.

President Ungethiem: Okay.

Brian Gerth: Uh-huh.

President Ungethiem: Okay. Very good.

Commissioner Musgrave: Just so you, you know, I spent a lot of time working closely with the Auditor, and he was very helpful. The projections that we were given by Barnes and Thornburg does not even come close, there's a big gap.

Brian Gerth: I want to beg to differ on that.

Commissioner Musgrave: Okay.

Brian Gerth: Because when we first talked about that, I was looking at like just the Highway Fund, when you were giving me numbers that were combined Highway and Local Roads and Streets.

Commissioner Musgrave: Okay.

Brian Gerth: I do not plan on changing my estimates, because I'm going off what the Auditor of State has told us to calculate, and they've been pretty on. Now, I'm not, there might be some fluctuation there, but we're pretty close.

Commissioner Musgrave: But, the revenue projection, and the amount that we budgeted, that's where you get the gap, the big \$2 million gap.

Brian Gerth: Right.

President Ungethiem: Okay.

Commissioner Musgrave: It's on us to stay on top of this, and to put in place—

Commissioner Shoulders: Sure.

Commissioner Musgrave: --plans to spend it, and appropriate it in a timely fashion.

President Ungethiem: Understood, and the study that we're getting completed is going to help us with that process as well.

Commissioner Shoulders: Yeah.

President Ungethiem: Okay. Any other old business?

Public Comment

President Ungethiem: Public comment? Seeing none.

Consent Items

President Ungethiem: I would entertain a motion to approve the consent items as listed on the agenda.

Commissioner Musgrave: Move approval.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second. Any further comments or questions on this? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The consent items carried by a 3-0 vote.

(Motion approved 3-0)

**First Reading of Rezoning Ordinance VC-3-2018
Petitioner: Dianna Miller
Address: 10108 Schaeffer Road
Request: Change from Ag to C-4 with UDC
Action: Approved 3-0 to Send to APC**

President Ungethiem: On to rezoning, the first rezoning is a first reading of rezoning ordinance VC-3-2018. The petitioner is Dianna Miller, address 10108 Schaeffer Road. This is a request to change from Ag to C-4 with a use and development commitment. I would entertain a motion for first reading.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second. Any further comments on this? Seeing none, roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and this will go forward to, it goes to Area Plan, I guess.

Joe Harrison, Jr.: Yes.

President Ungethiem: For approval, and then it will come back to us.

(Motion approved 3-0)

Final Reading of Rezoning Ordinance VC-1-2018

Petitioner: Benjamin Niemeier

Address: 8635 N. St. Joe Road

Request: Change from Ag to C-4 with UDC

Action: Approved 3-0

President Ungethiem: The next item is a final reading of rezoning ordinance VC-1-2018. The petitioner is Benjamin Niemeier, the address is 8635 N. St. Joseph Road. The request is to change from Ag to C-4 with a use and development commitment. Opening remarks, Donna?

Donna Holderfield: Hi, Donna Holderfield with the Area Plan Commission. Benjamin Niemeier is requesting to rezone the property located at 8635 N. St. Joseph Road from Agriculture to C-4 with a use and development commitment. This is a 78.14 acre parcel located on the east side of N. St. Joseph Road and north of Slate Road. This is a request for rezoning of the site, to allow continuance of an excavation/contractor shop on the site. The owner was contacted by staff after complaints concerning the business in operation on the site. The owner has elected to rezone .67 acres of the 78.14 acre site to C-4 with a use and development commitment to bring the commercial use into compliance with the zoning code. The owner's residence and remaining acreage will remain zoned for Agricultural use. The Area Plan Commission recommends approval, with seven affirmative votes and two abstentions.

Joe Harrison, Jr.: All of those who wish to speak in connection with this rezoning request please raise your right hand, if there's anybody here. Do you swear, affirm the testimony you're about to give is true and accurate, so help you God?

Dennis Niemeier: I do.

Joe Harrison, Jr.: Thank you.

President Ungethiem: Okay. We'll start first with the petitioner. Any comments from the petitioner?

Dennis Niemeier: My name is Dennis Niemeier. I'm Benjamin's father, 5919 West St. Joseph Road. No real comments, Commissioners. I'm hopeful that the APC approval, by the vote margin that they did, should hopefully stand. Do you have any questions?

President Ungethiem: Yeah, I've got a question. You say your son actually owns this property?

Dennis Niemeier: Yes, sir.

President Ungethiem: And, how long has he owned the property?

Dennis Niemeier: Since, the deal was finalized February 28, 2017.

President Ungethiem: Okay.

Dennis Niemeier: So, not even one year yet.

President Ungethiem: So, he's just recently—

Dennis Niemeier: Yes.

President Ungethiem: --okay. Anything else you want to add to what Donna had stated?

Dennis Niemeier: No, I think, she stated all items necessary. It's just that, you know, my son does have this small trucking business. He owns three trucks, he actually owns four, trying to get rid of one. Two of them, for the most part, are active at most times. Although, these last two, three weeks, everything is dead. But, his main point of emphasis is farming. He's just about to complete a pretty good size pole barn to store all of his farm equipment that's been sitting outside, and at some of his friends farms and so forth. But, at his age, only 23 years old, he's probably gonna maintain this little trucking business to generate some income until he can find some more agricultural property to be able to farm.

President Ungethiem: Okay. Any questions for Mr. Niemeier?

Commissioner Musgrave: I have some. Mr. Niemeier, are you aware that we got a letter from Mr. Elmer Boeke? Are you aware of this letter?

Dennis Niemeier: What's the address, Ms. Musgrave? I think I—

Commissioner Musgrave: 8000 W. Mill Road.

Dennis Niemeier: Okay, I remember that Mr. Strupp, at the APC meeting, stated that he was in receipt of a letter, but I had not seen it or anything.

Commissioner Musgrave: This came to the Commissioners just the other day. I'm not sure if it's the same letter that somebody else (Inaudible).

Dennis Niemeier: I remember the address of that 8001 that he stated.

Commissioner Musgrave: I want to ask you to respond to a couple of things. Hang on while I look through this.

Dennis Niemeier: Sure.

Commissioner Musgrave: He's talking about the same safety concern that you heard, about the curve on, you know, the driveway and the curve, and blocking the view, but then he says that you were under oath at the meeting and then you gave testimony that he's suggesting is false. Actually he says it's a direct lie, just to quote his letter. He said that your son had approached Mr. Strupp about if he was going to purchase the property. This he says was a lie. Did your son approach Mr. Strupp?

Dennis Niemeier: Yes, he did, before it went into the auctioneer's hands.

Commissioner Musgrave: Okay.

Dennis Niemeier: We've lived out there our entire lives, in St. Joseph, and my son found out about this property, supposedly over a year ago it was going to come up for auction, and then it died away for a year. When it reappeared through Sohn and Associates, my son knew about it right away. I told him, at that time, I said, Ben, you know, the Strupp family has farmed that for 50 years or more. They didn't own it, but they farmed it. I said, you need to at least go talk to Tom Strupp and see if he's interested in buying that, because I assumed that he would. My son did. I talked to him about it twice, and he said Mr. Strupp said, no, I'm too old. I've got 500 acres to tend to. I'm not interested.

Commissioner Musgrave: Okay.

Dennis Niemeier: Green light for my son.

Commissioner Musgrave: Alright, then he has a P.S. on here, which is, I want to go ahead and read this whole thing so that you can respond to it.

Dennis Niemeier: Sure.

Commissioner Musgrave: "Also, Mr. Niemeier complains¹ that these trucks are empty when they leave in the morning, and also when they return in the evening. That is not 100 percent true, because occasionally they had dirt in and he uses his farm as a place to stockpile it until somebody needs some." Is he stockpiling anything?

Dennis Niemeier: No. He has a large topsoil stockpile that was created when we stripped all of the topsoil off for the construction of his pole barn.

Commissioner Musgrave: But, he's not hauling topsoil in, dumping it?

Dennis Niemeier: No. No.

Commissioner Musgrave: Or anything else?

Dennis Niemeier: No, no. I can only—

Commissioner Musgrave: Well, who knows, I just wanted to hear—

Dennis Niemeier: Sure.

Commissioner Musgrave: --your response to—

Dennis Niemeier: I would speculate that Mr. Boeke's an acquaintance of Mr. Strupp.

Commissioner Musgrave: Okay. I have a question for staff. It's got, the use and development has the C-4 restricted to Use Group 11B, Excavation Contractor. What exactly does that mean, Excavation Contractor? What will that allow somebody to do?

Donna Holderfield: Okay, it would allow them to have their offices there, it will allow them to bring their commercial vehicles there. What it doesn't allow them to do is stockpile, like the—

Commissioner Musgrave: Anything.

Donna Holderfield: --rezoning we had before on Mt. Pleasant that had stockpiles of gravel and soil, that he can't bring stuff back there and have large piles of storage. It's not a storage yard. It wouldn't allow a storage yard, but it allows the business, the office and the commercial vehicles.

Commissioner Musgrave: And, if I understand the map that's been drawn appropriately—

Donna Holderfield: Uh-huh.

Commissioner Musgrave: -- there won't even be any office, because it's just a driveway and parking spots, right?

Donna Holderfield: And then he's got a, well, he's got to have his building there.

Commissioner Musgrave: He said at the Area Plan Commission meeting that the building was not to support this, it was only for (Inaudible).

Donna Holderfield: Right, it's just for the, yeah, he's just rezoning the part for the, it would be only the driveway and the dump trucks, the commercial vehicles.

Commissioner Musgrave: So, I guess—

Donna Holderfield: Basically.

Commissioner Musgrave: -- he could build a building on there and put his office in there, but as it stands right now, he can't have an office?

¹ Should be claims.

Donna Holderfield: Right.

Commissioner Musgrave: Do you understand that, Mr. Niemeier?

Dennis Niemeier: Yes, yes.

Commissioner Musgrave: Okay.

Dennis Niemeier: It just hit me, I just, I think I remember now the stockpile that Mr. Boeke refers to.

Commissioner Musgrave: Uh-huh.

Dennis Niemeier: During this past summer, my son brought home some excess stone from one of these contractors he was working for. They said you can have it, get rid of it. He created a large stockpile of stone, probably about the size of this room, and it's now been placed down as site grading material for this pole barn, to drive on and so forth. It serves as the base for some finished stone. That probably is what, that Mr. Boeke was referring to, because it was pretty large, it was. That's all gone, it's been distributed around the pole barn.

Commissioner Musgrave: That's helpful. Thank you.

Dennis Niemeier: Okay.

President Ungethiem: Any other questions for Mr. Niemeier?

Commissioner Shoulders: Thanks for being here, Dennis.

President Ungethiem: Thank you. Okay, any remonstrators? Seeing none. Obviously, we have this one letter that came in.

Joe Harrison, Jr.: Let's submit that for the record.

President Ungethiem: Yeah, we can. Do you have a copy of that?

Commissioner Musgrave: She does.

President Ungethiem: Okay. Any questions from the Commissioners about this? Okay, I would entertain a motion to approve the rezoning ordinance VC-1-2018 on final reading.

Commissioner Shoulders: So moved.

Commissioner Musgrave: Second.

President Ungethiem: We have a motion and a second. Any further comments or questions? Roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Final Reading of Rezoning Ordinance VC-2-2018
Petitioners: Charles & Michelle Wakefield
Address: 5510 Booker Road
Request: Change from C-2 to R-1
Action: Approved 3-0

President Ungethiem: Our next item is final reading of rezoning ordinance VC-2-2018. The petitioner is Charles and Michelle Wakefield. The address is 5510 Booker Road, request to change from C-2 to R-1. Donna?

Donna Holderfield: Charles and Michelle Wakefield are requesting to downzone the property located at 5510 Booker Road from C-2 to R-1. This is a 1.82 acre parcel located on the south side of Booker Road, just west of Periwinkle Drive. This property has been used as a banquet hall for many years. In 1980 a portion of the property was rezoned to C-2 to bring the property into compliance with current zoning ordinances, and removes the legal non-conforming designation. The new owners of the property propose to downzone the property to Residential to allow the construction of a new single family residence. The use of the property as a banquet hall would be discontinued. The Area Plan Commission recommends approval with seven affirmative votes and one abstention.

Joe Harrison, Jr.: Is there anybody here that wants to speak on this petition? All of those who wish to speak on this petition please raise your right hand. Do you swear, affirm the testimony you're about to give is true and accurate, so help you God?

Steve Blankenberger: I do.

Joe Harrison, Jr.: Thank you.

President Ungethiem: Please state your name.

Steve Blankenberger: I'm Steve Blankenberger. Michelle is my daughter, and Charles is my son-in-law. Anyway, they're out of town, so I'm representing them today. The property is, I think, 24 acres, and this is 1.8 acres in the middle of this. So, they want to turn that back to Residential for the construction of their home.

President Ungethiem: Okay. Commissioners, do you have any questions?

Commissioner Musgrave: Sounds like a great idea.

President Ungethiem: It's unusual that we go this direction.

Steve Blankenberger: Yeah, I know.

President Ungethiem: We're usually going up instead of down. But, okay, no questions? Okay, thank you. Do we have any rebuttal, or any remonstrators? Seeing none. Any final questions from the Commissioners?

Commissioner Musgrave: I'll move approval.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second to approve. Any final comments? Seeing none. Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and it is approved by a 3-0 vote.

(Motion approved 3-0)

Adjournment

President Ungethiem: Okay, anything else to come before this Board? If not, I would entertain a motion to—

Commissioner Shoulders: Oh, hang on.

President Ungethiem: Oh, oh she dropped something.

Commissioner Shoulders: She dropped something. False alarm.

President Ungethiem: Motion to adjourn?

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: Alright, motion to adjourn, all of those in favor signify by saying aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: We are adjourned.

(The meeting was adjourned at 3:41 p.m.)

CONSENT ITEMS:

Contracts-Agreements & Leases:

VCCC: Letter of Support: FY 2019 Grant Application to Indiana DOC.
Superior Court: YWCA Service Contract.
Superior Court: Albion Fellows Bacon Center Service Contract.
DADS: Professional Services Agreement with Jennifer Bell.
Superior Court: 2018 CASA Contract.
Burdette Park: 2018 Oswald Marketing Contract.

Commissioners:

Approval of the January 9, 2018 Meeting Minutes.
Road Closure Requests: Logan's Promise & USI Running Series.
Sales Agreement for Tekoppel Avenue.
Riverboat Fund Appropriations.
Amended 2021 Holiday Schedule.
2018 Property & Casualty Insurance Summary.
2018 Trustee Standards: Knight, Center & Perry.

Employment Changes:

Weights & Measures (1)	Burdette Park (3)	Health Dept. (7)
County Clerk (3)	Auditor (1)	Sheriff (8)
Coroner (1)	Prosecutor (3)	DADS (1)
Public Defender (3)	Legal Aid (3)	Superior Court (3)
Circuit Court (1)		

County Clerk & County Treasurer: December 2017 Monthly Reports.

Travel Requests: SWCD (2) & County Engineer (1)

Surplus Requests:

Adult Probation: Microfiche Machine.
Health Dept.: Various Equipment.
Superior Court: Office Furniture.

Burdette Park:

2018 Proposed Park Rental Rates.
Coin Changer Quote for Aquatic Center.

County Engineer:

Department Report.
Pay Request No. 30: Univ. Pkwy. TIF: \$34,884.90.
Pay Request No. 2: Phoenix Commerce TIF: \$9,450.
Claims

Those in Attendance:

Bruce Ungethiem	Cheryl Musgrave	Ben Shoulders
Brian Gerth	Joe Harrison, Jr.	Kristin Comer
Madelyn Grayson	Gena Garrett	Pam Locker
John Stoll	Ron Beane	Donna Holderfield
Dennis Niemeier	Steve Blankenberger	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Bruce Ungethiem, President

Cheryl A.W. Musgrave, Vice President

Ben Shoulders, Member

(Recorded and transcribed by Madelyn Grayson.)